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JOINT OVERSIGHT HEARING ON THE NATIONAL FOREST PLANNING PROCESS AS PROVIDED IN THE NATIONAL FOREST MANAGEMENT ACT OF 1976

JOINT HEARING

BEFORE THE

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

AND THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

ISSUES RELATED TO THE NATIONAL FOREST PLANNING PROCESS

OCTOBER 25, 1989

Printed for the use of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources

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JOINT OVERSIGHT HEARING ON THE NATIONAL FOREST PLANNING PROCESS AS PROVIDED IN THE NATIONAL FOREST MANAGEMENT ACT OF 1976

WEDNESDAY, OCTOBER 25, 1989

U.S. SENATE,
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY
AND THE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 2 p.m., in room SR-332, Russell Senate Office Building, Hon. Patrick J. Leahy (chairman of the committee) presiding.

Present or submitting a statement: Senators Leahy, Fowler, Daschle, Baucus, Bond, Gorton, Bumpers, Metzenbaum, Wirth, McClure, Hatfield, Wallop, Murkowski, and Burns.

STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM VERMONT

The CHAIRMAN. Good afternoon. I would like to welcome all of you to this joint hearing of the Agriculture, Nutrition, and Forestry and Energy and Natural Resources Committees on the future of our national forests.

Joint hearings are not unprecedented in the Senate—but they are unusual. In fact, it has been a decade since these two committees worked together closely—and that was when we drafted the National Forest Management Act in 1976. At that time my distinguished colleague, Senator Bumpers, was involved in that one, too. I relied on his age and wisdom and past service as a Governor to help us through. So, now, 10 years later we are going to try it again. I am delighted that Senator Bumpers, as chairman, of the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources, is here. And Senator Hatfield, my distinguished senior colleague from Oregon, is here. I want to extend a special welcome to you Senator Hatfield. Our colloquy on the Senate floor, describing our understanding of how forest management controversies should be resolved, was the impetus for this hearing.

As you will recall, I proposed that we have this hearing.

I know the forest planning process can work.

In my home State of Vermont, Green Mountain National Forest planners have done an outstanding job balancing public values with professional analysis.

The success of the Green Mountain National Forest plan is in stark contrast to the situation in the Rocky Mountain States and in the Pacific Northwest. In the Northwest, the process clearly has not produced a political consensus.

I recognize there are large differences between the two regions. Yet both regions share a common commitment to resource conservation and economic growth.

Both forests are nationally significant, but in very different ways.

Almost a quarter of all Americans live within an 8-hour drive of New England's national forests, almost a quarter of the Nation's population. Over a third of all Federal timber is harvested in Oregon and Washington. However, I have been very concerned with the process in which forest controversies in the Northwest are being resolved; not in the planning process; not in the courts, but through the appropriations process by means of limiting judicial review.

When a citizen's right to redress his grievances in the court is abridged, then a basic tenant of our democracy is questioned. Now, without question I defer to the Senators in the affected States to address problems in those States. But my concern in this instance that what started as a limitation on judicial review in one timber salvage sale in Oregon now applies to two States and may soon apply to four States or even five more States.

I prepared an amendment to protect public interest in the ancient forest debate, withdrew it after my distinguished colleague, Senator Hatfield, agreed that the controversy would be resolved in the future according to the following principles:

First, forest resources must be used only on a sustainable basis.

Second, judicial review should only be limited when all parties agree.

Third, it appears that all disputes must be resolved by a neutral third party.

Fourth, solutions should be developed through the authorizing committees.

As chairman of the Agriculture, Nutrition, and Forestry Committee, the committee that first drafted the National Forest Management Act in 1976, I look forward to working with my colleagues to see that the planning process is implemented fairly.

I mention to my colleagues that when I first came here 15 years ago, Senator Hubert Humphrey sat up near the head of this table. Hubert had a very special way of simplifying complex issues. Fifteen years ago, when the forest decisionmakers were tied up in litigation and controversy, Senator Humphrey said it was "time to get foresters out the courts and back to the woods." And I think we would all agree that is what we would like to do here.

Today I have a similar goal. I would again like to take the forester out of the appropriations process, and put him or her back to the woods.

Let me summarize my concerns in two points:

First, our forests are a priceless national resource. The rights of citizens to use the courts to protect our forests should not be abridged. We must find a way to protect our citizens' rights and our forests.

Second, each time we make forestry decisions in the United States, we are setting an example for the world.

We hear the latter more and more as elected officials go around the world and talk about international environmental policy. From rain forests to global warming we are told that our Nation is not practicing what we preach.

Six years ago I began a process of protecting the spine of the Green Mountains from the Massachusetts border to Camels Hump in the north. Through the acquisition of critical lands, that process is largely completed.

Now, as chairman of the committee, having watched a decade of destruction of forests throughout the world, I realize that we must be concerned with far more than the national forests in each of our States or all the forests in the United States.

We cannot protect the Green Mountains from global warming if the tropical forests of the world are destroyed.

I look forward to hearing the testimony of today's witnesses.

I would yield to the distinguished chairman from the Energy subcommittee, Senator Bumpers.

STATEMENT OF HON. DALE BUMPERS, A U.S. SENATOR FROM ARKANSAS

Senator BUMPERS. Thank you very much, Mr. Chairman.

Mr. Chairman, in March of 1976, the Committee on Interior and Insular Affairs—which was the predecessor of the Energy and Natural Resources Committee—and the Committee on Agriculture and Forestry held 3 days of hearings on a bill which ultimately became the National Forest Management Act. As I look around, I see many of the same faces here today that I saw 13 years ago, during those hearings and markup sessions.

Although congressional action at that time was precipitated by two court decisions regarding clearcutting, the focus of those hearings was much broader; we were rethinking how our national forests should be managed. During the course of those hearings, the late Senator Hubert Humphrey, who you already quoted, turned to me and said, Dale, "if we left it up to the timber industry they'd cut it all down, and if we left it up to the environmentalists they wouldn't cut a stick, so it's up to us to work this out." That was an obvious overstatement. Well, I would like to think that both the timber industry and the environmental community have both matured to the point where the issues are not quite so polarized these days, but the truth of the matter is that it is once again up to us, "to work it out."

When Congress passed the National Forest Management Act, we were very optimistic about the national forest planning process. It represented our very first attempt to establish a long term, integrated planning effort for the national forests, one that would allow a framework for the consideration and balance of all the resources and uses of the forests. As Senator Humphrey said, "(t)he days have ended when the forest may be viewed only as trees, and trees viewed only as timber. The soil and the water, the grasses

and the shrubs, the fish and the wildlife, and the beauty that is the forest must become integral parts of resource managers' thinking and actions." We thought we had to give the Forest Service a tool that would allow them to better meet their multiple-use, sustained-yield mandate. We also believed that the planning process would provide a mechanism through which the contentious, bitter resource conflicts of the past could be resolved.

We clearly did not envision that 13 years later, 25 forest plans would still be in the draft form, and 1 plan would not even be in the draft. When we included provisions for public participation, we did not envision that 825 administrative appeals would be filed on the 97 plans that have been finalized, and that both the timber industry and the environmental community would publish cookbook style manuals on "how to appeal a national forest plan." We did not envision that many of the plans would depend on budgets which are so unrealistic as to make the plans unusable. We did not envision that the Interior Appropriations bill for fiscal 1990 would establish a harvest level for the National Forest System which is more than 500 million board feet above the harvest level called for in the forest plans. And, we did not envision that litigations could successfully tie up billions of board feet in timber sales.

Therefore, Mr. Chairman, the time has come to revisit the planning process which we developed with such optimism. I welcome all the witnesses today, and I look forward to hearing your views on this very complex issue. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Bumpers. Senator Hatfield.

STATEMENT OF HON. MARK O. HATFIELD, A U.S. SENATOR FROM OREGON

Senator HATFIELD. Thank you, Mr. Chairman. Since you, the chairman, and Senator Bumpers have both quoted Senator Humphrey in striking a framework for today's hearing, let me quote from Senator Dale Bumpers.

The CHAIRMAN. You do not have to! You can put that part in the record.

Senator BUMPERS. Skip that and we will discuss it later, Mark.

Senator HATFIELD. No. There is no one who more eloquently stated the proposition than Senator Bumpers did when he extended his remarks following the National Forest Management Act of 1976. He said the law "reaffirms and strengthens the commitment of Congress to multiple-use management of our national forests, but does so without unduly restricting the management options available to the Forest Service.

"At the same time, it affords the Forest Service a much-needed measure of protection against unwarranted or extreme demands from any single user group, and, by increasing public participation in the planning process, assures that the national forests will be managed in the best interests of the entire Nation."

When the Agriculture Committee and the old Interior Committee passed the National Forest Management Act more than a decade ago, we believed that we were establishing a process which would facilitate the mediation and resolution of Federal land manage-

ment conflicts. By encouraging public participation, our goal was to pave the way for a fair and equitable balance between competing land-use objectives.

Unfortunately, Mr. Chairman, in recent years that process has broken down in my region. As the Forest Service is bombarded by extreme demands from user groups espousing single-issue values, the entire process has been brought to a screaming halt. The potential for economic and environmental chaos looms over the entire Pacific Northwest.

Members of the two committees are well aware of the situation. Lawsuits brought by environmental groups earlier this year resulted in preliminary injunctions that, without rulings on the merits of the cases, shut down 60 percent of the Forest Service timber sale program in region 6 alone. The livelihoods of tens of thousands of Oregonians and the very existence of the 70 one-mill or two-mill towns in my State, which depend on a stable supply of public timber, hung in the balance.

Faced with this crisis, I spent the better part of the past year working with my Governor and State officials, with my colleagues in the Oregon and Washington delegations, to craft a short-term solution. After countless hours of hearings, meetings, and negotiations, we managed to put a package together which balances the conflicting demands of public timber supply and old growth forest resource protection. To a large extent, this package was the ultimate lesson in consensus politics: nobody was entirely satisfied with it. But at least for this year, it will minimize the economic impact in the Northwest. The package was signed into law earlier this week as part of the fiscal year 1990 Interior appropriations bill.

Let me be very clear about this, Mr. Chairman: the problem is **not** resolved. The problem involves more than just a predictable timber supply or more protection for old-growth forests. The problem, as it has now evolved, encompasses a full spectrum of values on our national forests. The forest planning process has broken down—and the long-term results locally, regionally, and nationally will be devastating if we do not act quickly to identify the problems and develop solutions. **Long-term** solutions.

That solution cannot focus solely upon an either/or proposition—economic interest against environmental interests. And it is my hope that we will not allow this hearing to become another in the endless series of forums in which those interests square off in an attempt to assert the superiority of one philosophy over another.

We are not here to argue over the inherent benefits of producing old-growth ecosystems or the economic impacts of additional set-asides. Those arguments may create headlines, but they do not create solutions. I would prefer that we spend this afternoon talking less about philosophies and more about how we balance those philosophies. In the end, Mr. Chairman, such a balance can only be found by establishing a fair, supportable, and lawful process.

The situation in the Northwest—and the very fact that we were forced to develop a short-term solution—suggest one of two problems: either the Forest Service is making poor decisions which do not comply with its statutory mandate; or the statutes and regula-

tions we have developed give such poor or vague direction that decisions made under them simply cannot be defended.

Whatever the nature of the problem, we are here today to reestablish the integrity of the forest management process. With that goal in mind, Mr. Chairman, I look forward to a constructive afternoon.

The CHAIRMAN. Thank you very much, Senator Hatfield. I appreciate yours and others willingness to work together on this. Dale Robertson, the Chief of the Forest Service, is our first witness. We do have a vote on. Were there Senators who wish to make any kind of an opening statement?

Senator Baucus does. Senator Bond does. Senator McClure does. Senator Wirth does. Senator Gorton does.

Senator BUMPERS. Only nine out of the nine Senators wish to make opening statements.

The CHAIRMAN. OK. We have this room until 9 tonight so we are all set.

Senator BUMPERS. Mr. Chairman, I was just going to suggest you and Senator Hatfield and I go vote while these other opening statements are being made. And we can try to get back so we do not interrupt the hearing.

The CHAIRMAN. I was just going to say let us continue with opening statements and we will go vote.

Senator MCCLURE. We wanted you to listen.

The CHAIRMAN. He will be back. Jim, he will be back before we get to you so do not worry. Why do we not start with Senator Baucus and go to Senator Bond and Senator Wirth and Senator McClure and so on.

Senator BAUCUS. Thank you, Mr. Chairman.

The CHAIRMAN. Then we will go in the order in which the Senators have appeared.

Senator BAUCUS. Thank you.

Senator BOND. I was only going to take about 45 seconds.

Senator MCCLURE. Take 15 minutes and we will go vote.

STATEMENT OF HON. MAX BAUCUS, A U.S. SENATOR FROM MONTANA

Senator BAUCUS. Thank you, Mr. Chairman. Let me begin by expressing my appreciation to you and Chairman Johnston, and also to other members of this committee, for holding this hearing.

We have heard quotes from Senator Humphrey, quotes from Senator Bumpers. I would like to quote Montana's Senator, Mike Mansfield. Mike Mansfield once described Montana as "a symphony—a symphony of color, painted by a thousand different plants and shrubs which set the hills ablaze—each with its own kind of inner fire."

Though, about this time of year, the color fades from western Montana's landscape. The leaves on the trees in town and in the country begin to fall. The larch on the mountainsides begin to lose their brilliant fall color. And, until the snow falls, the remaining evergreens do not seem quite so green.

But this year—though it is almost November—you can still spot signs of bright green in many parts of western Montana.

And I mean that literally. Many homes and businesses now sport bright green signs saying "this family supported by timber industry dollars," or "this business supports the timber industry."

The message here is that Montanans are frightened. They are scared. They want to preserve a way of life that has become very special to them.

Yet it is also clear that many Montanans—perhaps an equal number—worry about the sustainability of our forest lands.

For instance, a recently released poll conducted by the Bureau of Business and Economic Research at the University of Montana found that 43 percent of the residents of Montana, Idaho, and Washington believe the timber industry is cutting trees faster than they can be replaced.

Years ago, Congress recognized these competing interests as a seedbed for conflict. That is why we have the National Forest Management Act. By establishing a planning process and seeking public involvement, we hoped to resolve our differences. And in some instances, this process worked well.

Yet, in many other instances, the process, as has been stated, has broken down. Prolonged appeals and litigation have tested the process in many of our national forests.

The Flathead Forest in northwest Montana proves the point. Under the forest plan, the Flathead's annual timber harvest is set at about 100 million board feet. Yet, for the last fiscal year, the forest sold only about a quarter of this amount. While some contend the 100 million figure is too high, it seems beyond dispute that the Flathead should sell far more than 30 million board feet of timber.

Much of the problem lies with the Forest Service. They must do a better job of preparing timber sales—the agency must comply with the law.

Yet there seems little doubt the appeals system is also part of the problem. According to the General Accounting Office, during the fiscal year 1988, 16 percent of the proposed sales in region 1 were appealed. And virtually all of these appeals resulted in delayed sales. Moreover, GAO found the Forest Service, fearing appeals, held back many sales.

So what is the answer?

First, we must give the Forest Service the resources it needs to get the job done. This year, Congress provided an additional $45 million to help fill the timber pipeline. That is a good start.

In addition, we must look at streamlining the present appeals process.

Every American should have the right to question Forest Service management decisions. But both sides have a right to a final decision on the appeal's merits without unreasonable delay.

As with most complex issues, there are no easy answers. However, if Congress reforms the appeals process, we must find a solution that works.

That is why I recently asked the Congressional Research Service to conduct a seminar on this subject. CRS has promised to assemble the best and the brightest—experts representing industry and envi-

ronmental interests, constitutional and administrative law scholars, and representatives from the Forest Service and the Department of Interior.

These people know the present appeals system inside and out. Their charge will be to find workable solutions to the appeals problem. Like many in this room, I will be looking closely at the results of the seminar.

If we succeed, I believe the green signs will begin to come down. Public confidence in the future of our environment and our economy will be restored.

I call on both sides to compromise. We must work together. I hope to play a constructive role in this process.

Thank you very much.

Senator Bond.

STATEMENT OF HON. CHRISTOPHER S. "KIT" BOND, A U.S. SENATOR FROM MISSOURI

Senator BOND. Mr. Chairman, it has been 13 years since the passage of the National Forest Management Act, the legislation which established the process for developing land management plans. Since that time 97 of our 123 national forests have completed plans. However, it is disturbing that many of these plans remain mired in administrative appeals or litigation.

Our Subcommittee on Conservation and Forestry held a hearing on the Appeals Process Used by the Forest Service, May 18, 1989. It is clear that appeals have delayed implementation of management plans.

It is my understanding that more than 800 appeals have been filed in regard to the 97 plans which have been completed. This tells me that there is something wrong with the process. Are the regulations which accompany the plans inadequate or opponents simply abusing the system? I do not know the answer, but I think the issue should be reviewed thoroughly.

Mr. Chairman, Missouri may have only one national forest, the Mark Twain National Forest, but I can assure you that we take great pride in this natural wonder. Today Mark Twain encompasses 1.5 million acres in 29 counties. Initially Mark Twain was an accumulation of very poor land, land which was intensively logged and highly eroded. With the help of the Civilian Conservation Corps in the 1930's, Mark Twain was restored to an area diverse in vegetation, geological features, water resources and wildlife.

Although our forest plan was completed in 1986, our success has not been without controversy. Debate on issues such as clearcut harvesting of timber and the use of motorized recreational vehicles continue. However, properly administered, the planning process is necessary. Congress may well determine that changes in the system are needed. I welcome this review and hope the result will be with an even better system of managing these absolutely vital natural resources.

I now call on the Senator from Washington. You may proceed.

STATEMENT OF HON. SLADE GORTON, A U.S. SENATOR FROM WASHINGTON

Senator GORTON. Mr. Chairman, we in Congress today begin an important process directed at the future of our natural resources. Today, we will begin to identify a series of problems and a process that now frustrates every party involved in it. Among these problems is included the Forest Service timber sale program in region 6. Our region provides a substantial amount of the wood harvested annually in the United States. We believe that we have done so in an environmentally sound manner, in an effort to meet an increasing American demand for wood products.

And I am simply going to ask and grant unanimous consent that the balance of my prepared statement be included in the record as if read while I go to vote.

[The prepared statement of Senator Gorton follows:]

PREPARED STATEMENT OF HON. SLADE GORTON, A U.S. SENATOR FROM WASHINGTON

Mr. Chairman, we in Congress today begin an important process, directed at the future of our natural resources. Today, we will begin to identify a series of problems in a process that now frustrates every party involved in it. Among these problems is included the Forest Service timber sale program in region 6. Our region provides a substantial amount of the wood harvested annually in the United States. We believe that we have done so in an environmentally sound manner, in an effort to meet an increasing American demand for wood products.

Senator Hubert Humphrey said of the 1976 National Forest Management Act legislation, "It represents a milestone in federal policy toward management of our vast National Forest System, presenting a sound balance between protection of the environment on the one hand and assuring adequate supplies of wood and wood products on the other." Regretfully, while the legislation of 1976 *was* a laudable milestone, it is evident that the problems which spawned it continue to exist. However, while improvements and clarification of congressional intent may be warranted with regard to this legislation, I believe we are likely to find that the same problems, merely dressed up in new costumes, have once again arrived at the door step of Congress.

As many know, the genesis of the National Forest Management Act was the famous *Monongahela* decision. The legislation was a reaction by Congress in the 1970's to decisions by the courts that posed a threat to wood supply throughout the country. We must ask ourselves today how we have allowed a region's timber sale program to come to a complete standstill once again.

We should learn from history and prevent problems of the past from becoming problems of the future. In my review of the National Forest Management Act and its cause—the problems on the Monongahela National Forest, I find that there is a great deal for us to learn. Problems identified in the handling of the issues on the Monongahela warrant application to the issues of today. For example, in 1970 a special review committee for the Chief of the Forest Service, cited the following problems which contributed to the controversy: Multiple use was not being adequately administered; forest resource inventories were inadequate; multiple-use planning was incomplete; resource programs were not adequately staffed; and no intensive information and education program introduced a change in Forest Service management policy when they embarked on a "even-age management." I would suggest that many of these 1970 problems are alive with our present forest planning process and the management program for the spotted owl as an indicator species.

As we examine these issues we must also ask ourselves to what extent Congress is itself responsible. I would imagine that over the coming months we will find we are far more responsible for the present dismal conditions in the Pacific Northwest forests than many will be willing to recognize. Did Congress support the Forest Service with adequate resources and direction to avoid a repeat of what was caused in the 1970's, and now, a critical national issue? Obviously not.

I would like to conclude with some food for thought as we begin this process of oversight today. Recently, I read a compelling article on the National Forest Management Act, written in 1976 by John McGuire, then Chief of the Forest Service.

"Whether forestry issues remain out of the courts depends a great deal on how well on-the-ground management is responsive to both congressional direction and the needs and desires of the American public. We must ask ourselves if more sensitivity to public concerns in the early 1960's might have prevented a situation in which the *Monongahela* decision became a critical, national issue. By the time public wants—and demands—were understood, it was too late. The public had turned to the courts."

Mr. Chairman, the public has again turned to the courts, and we must continue to ask ourselves throughout this oversight process what we can do to prevent such a situation from occurring again. It is critical to the livelihoods of thousands residing in timber dependent communities, that they not be forced to relive our present situation again and again.

[Recess.]

Senator MCCLURE. I think I can expedite the process if I will call the committee to order and make my statement while we are waiting for others to return.

STATEMENT OF HON. JAMES A. McCLURE, A U.S. SENATOR FROM IDAHO

Senator MCCLURE. I want to begin by thanking the chairmen of the two committees for scheduling this oversight hearing on the national forest planning process. The predictability of the planning process is, of course, extremely important to my constituents and the State which I represent. Of the 191 million acres that make up the 151 national forests, 21 million acres are located in Idaho alone.

When Congress passed the NFMA, we felt that we had finally crafted a piece of legislation which would establish an orderly means of planning how best to manage *all* the resources in the national forests. I am afraid that has not happened.

Mr. Chairman, there are two ways to get to the top of an oak tree. Like the sought-after planning process, you can embrace the trunk, and reach up and climb limb by limb through the tree in an easy and orderly manner until you break through the canopy. The second way is to sit on an acorn and wait.

We are basically sitting on an acorn. What we have created is a process that has taken the ability to make common sense management decisions away from some of the best resource managers in the world. Those highly-trained and qualified people have been replaced by judges, lawyers, politicians and others who, on the most part, lack any background in basic forestry management. In addition, I fear and I believe that it is true that the professional managements we had intended to depend upon have abdicated making some decisions or have reversed their course for the simple reason that a group merely threatened litigation. Appeasement did not work very well for the British, and it is not working for forest resources.

Mr. Chairman, I view this situation as a critical issue in Idaho. Last year was one of the most disastrous fire years in Idaho's recent history. Millions of board feet of timber were burnt to a crisp. It must either be harvested and converted to usable consumer products within a very short timeframe, or it will rot on the stump. To my way of thinking, to allow that to happen is a travesty and waste of another portion of this Nation's valuable natural resource base. A simple, common sense decision to salvage the

timber should have been made. Unfortunately, common sense was not the victor.

Instead of getting busy at salvaging the material in a timely fashion, the Forest Service, tenderized by years of experience, entered the "planning process" with the "public involvement mode." The Service ran an article in local newspapers explaining how bad the fires had been and "requesting" that the public write and let them know what should be done with the burned timber.

By the time the process had run its course, so-called environmentalists had appealed and litigated the proposed salvage sales. The Forest Service has redesigned all of its proposals for the umpteenth time to satisfy all of the "public" concerns. This has been extremely costly to the taxpayers and is causing unnecessary environmental damage—all in the name of progress and "process."

If you get the feeling I think the process has broken down, you are right! I have never seen the forests of Idaho in such sad shape as they are since NFMA passed.

Entire drainages of the Payette National Forest have changed from the green of old and new growth mosaics to dull gray, as small but deadly bark beetles have eaten their way through literally millions of feet and hundreds or thousands of acres of "old growth" spruce. Why have we not salvaged and utilized that material to support an industry on the verge of collapse? Because we are spending all our time and money on "planning," and because the "process" does now allow approved forest plans to be altered without revisiting the entire public input process from the very beginning in most cases.

All the while we argue over what so-called roadless areas we should or should not enter in order to find *green* timber that can be harvested without controversy to keep our workers employed, communities solvent, and local governments funded so they can provide vital transportation and education services.

An estimated 30 million feet of timber was destroyed by fire in the summer of 1988 on national forest lands adjacent to the northeastern corner of Yellowstone National Park. The Forest Service is attempting to salvage what they can. However, environmentalists have threatened to sue if the Park Service decides to allow the burnt, deteriorating logs to be hauled through the Park. The only other route would more than double the hauling distance and likely render the planned sales totally uneconomical for all involved.

"Fine," argue the environmentalists; "better to let 30 million feet of the public's timber—enough to put roofs over the heads of 2,500 families—rot, than to allow it to be hauled through the Park."

The forest plan covering northern Idaho allowed for an Allowable Sale Quantity (ASQ) of 280 million board feet. "Too much," say those opposed to commodity uses of the national forests. They charge that such a "high" level would result in grossly "overcutting" the forest and would result in, among other things, damage to important elk herds on the panhandle forest. What does the plan say about that? I quote from page V–10: "Elk habitat provided is the result of other activities [in the forest], primarily timber harvest. The future decades provide greater potential because of accu-

mulated effects of harvest with the higher the harvest levels the higher the potential [for increased elk populations]."

So where do we go from here? Congress had all the good intentions in the world when it passed the NFMA 13 years ago. However, it didn't take environmentalists long to find good lawyers to find ways of hamstringing the actual forest planning process that evolved. We are now faced with a public lands paralysis.

What is the answer? Few national forests have been able to sell their ASQ's despite the fact they have been established *far* below sustainable levels. A recent University of Idaho timber supply study concluded that statewide, national forests are *accumulating 600 to 800 million board feet annually* from the *suitable* land base over and above what is being harvested. This net accumulation is roughly equal to three-quarters of the entire annual statewide harvest including State and private lands.

The plan for the Flathead National Forest in Montana was approved 3 years ago and the Allowable Sales Quantity [ASQ] established at 100 million board feet—again, substantially below Long-Term Sustained Yield. What has happened since that time? For the period 1986 through 1988, they managed to average 70 million. In fiscal year 1989 they managed just *34 million board feet!*

Forest supervisors are telling me they need more money and more personnel. Because of the "process," and ensuing appeals and litigation by environmentalists, *each individual timber sale is now going to require a full-blown Environmental Impact Statement* to the tune of some $180,000 to $200,000 each.

It is time to make some changes in the planning process. To date, out of 123 Forest Service plans, *only one* plan was not appealed.

It is time to fix the process and it is time to turn responsibility and authority back over to those professional public servants hired to manage our multiple use resources.

In conclusion, I simply want to say that the purpose of the National Forest Management Act was to provide for responsible management, not delay. Wilderness areas may be left to nature's course, but we intend to manage the forests for a variety of uses including recreation, fish and wildlife, anadromous fish, timber harvesting and mining. Those activities are necessary to support the regional and national economy and should be done pursuant to final plans by professionals. We are not doing that.

Mr. Chairman, thank you for being patient with me. I still am a strong advocate for true multiple-use and a viable economy as a result of those uses. The process that was created to provide a comprehensive framework and primary source of direction to the Forest Service for fulfilling its mandate to manage the system needs repair.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator McClure. Mr. Burns.

STATEMENT OF HON. CONRAD BURNS, A U.S. SENATOR FROM MONTANA

Senator BURNS. Thank you, Mr. Chairman. I want to thank you for holding this hearing today. Rather than be redundant, I ask permission that my prepared statement be entered in the record. I

associate myself with some of the remarks which Senators McClure and Hatfield have made. We know that we have a tremendous problem, and most of it, it seems, is centered in the West. And I know that this problem goes nationwide.

I guess what hurts us in the West more than anything else, is that we are doing business on Government lands. As long as the Government owns it, this body is charged with the responsibility of managing those lands.

In Montana we are trying to diversify our economy. This needs to be done in all the little towns as well as the State as a whole. Any time that we take a look at timber harvest, and especially in the way it has been going the last 3 or 4 years, the social and economic impact on those people who live in those towns has been substantial.

But again, we cannot change things under the present system. The threat I am referring to is the one in which numerous sawmills are being forced to cut back shifts and lay off hundreds of people. The reason for those layoffs is because of a severe and critical shortage of available timber supplies. Any one who says differently need only to visit towns like Dillon, Seeley Lake, and Olney, to see the reality of the situation.

These towns are dependent on small local sawmills for a substantial part of their economy. The shortage is a result of political policies, not biological depletion.

As each of the forest land management plans were finalized in Montana, almost every one reduced the amount of timber planned for harvest from the historical levels. On top of that, folks have been appealing individual sales at an ever-increasing rate. These appeals, although we do not like to recognize it, have the effect of shutting off the timber supply. It is not just the large multi-million board foot sales that have been appealed, but also small timber and post and pole sales.

The situation has deteriorated to the point that some forests have virtually shut down their small sale programs because it takes almost as much time and manpower to prepare the NEPA documents for a small sale as it does for a sale many times larger. This has had a serious effect on small loggers trying to compete with larger sawmills for a supply of timber.

This is just a small example of the problem. The forests in Montana have been woefully deficient in meeting the timber sale program envisioned as the Allowable Sale Quantity in the forest plans. The Flathead National Forest, as Senator McClure alluded to, is just one of those forests which published their final forest plan early in 1986. During fiscal years 1986, 1987, and 1988 the forest put up and sold only 70 percent of their ASQ. In fiscal year 1989 they only put up 34 percent of the ASQ. I think that was alluded to in Senator Baucus' statement. I have a letter here from the Flathead National Forest which I think describes the situation very well. I would like to enter that letter into the record of this hearing, Mr. Chairman.

The CHAIRMAN. Without objection.

Senator BURNS. So it is not a simple problem. We know that there are some areas which should be designated and never harvested. But it makes no sense to me, as some would say, that we let

fires burn up a resource, and that is OK. But it is not OK to harvest that same resource and put it into the economy of this country in housing and other lumber products. No matter how you look at it, if we ran our farms and ranches like we are managing our Government lands, there would be a food shortage in this country, and it would happen overnight.

So I look forward to hearing from the folks here in this hearing. Thank you very much.

The CHAIRMAN. Thank you.

[The prepared statement of Senator Burns and attached letters from Douglas K. Mood, vice president, Pyramid Mountain Lumber Inc., dated September 28, 1989, and Warren A. Illi, Timber and Forest Plan Implementation Officer, U.S. Department of Agriculture, Forest Service, Flathead National Forest, dated October 23, 1989, follow:]

PREPARED STATEMENT OF HON. CONRAD BURNS, A U S. SENATOR FROM MONTANA

Mr. Chairman, I would like to thank you for calling for this hearing today. I believe it is timely and very necessary for us to take a look at the various laws that deal with the management of our national forests and determine if these laws are being integrated in such a way as to provide for the best long-term management of our forests. I believe it is important that we manage our forests in such a way as to protect our environment. We must make every effort to protect our water quality, and our wildlife habitat while at the same time providing for the needs of our country.

The national forests play a very important role in the economic stability of many towns in the Western United States. I know this is true in Montana and I suspect it is also true in the other Western States as well. The economies of these towns are built on livestock, timber, mining, hunting, fishing, and other forms of recreation as well. Although the forests provide for a variety of uses, quite often in the West, the economies of individual towns are substantially dependent on just one or the other activity.

In Montana we are working to diversify our economy. This needs to be done in all the little towns as well as the State as a whole. But it cannot happen when at the same time the existing economy of many of those towns is threatened. The threat I'm referring to is the one in which numerous sawmills are being forced to cut back shifts and lay off hundreds of people. The reason for the layoffs is because of a severe and critical shortage of available timber supplies. Any one who says differently need only to visit towns like Dillon, Seeley Lake, and Olney to see the reality of the situation.

These towns are dependent on small local sawmills for a substantial part of their economy. The shortage is a result of political policies, not biological depletion.

As each of the forest land management plans were finalized in Montana, almost every one reduced the amount of timber planned for harvest from the historical levels. On top of that, folks have been appealing individual sales at an ever increasing rate. These appeals, although we do not like to recognize it, have the effect of shutting off the timber supply. It is not just the large multi-million board foot sales that have been appealed, but also small timber and post and pole sales.

The situation has deteriorated to the point that some forests have virtually shutdown their small sale programs because it takes almost as much time and manpower to prepare the NEPA documents for the small sale as it does for a sale many times larger. This has a severe effect on small loggers trying to compete with larger sawmills for a supply of timber.

This is just a small example of the problem. The forests in Montana have been woefully deficient in meeting the timber sale program envisioned as the Allowable Sale Quantity in the forest plans. The Flathead National Forest published their final forest plan early in 1986. During fiscal years 1986, 1987, and 1988 the forest put up and sold only about seventy (70) percent of their ASQ. In FY 1989 they only put up thirty-four (34) percent of the ASQ. The mills in the Flathead cannot survive in this atmosphere, and the situation is even worse on the Beaverhead and Gallatin Forests. I have a letter here from the Flathead Forest that I think describes the situation very well. I would like to enter this letter into the record of this hearing.

The problem is not simple, as I'm sure we will hear today. It is a complex problem with many intricately linked issues. The National Forest Management Act, the National Environmental Policy Act, the Endangered Species Act, and several other laws are all intertwined in the management of national forests. All of these have, in some way, contributed to the problems in Montana and other States. I believe it is time for us to review these environmental laws and their implementation and administration. We must find a solution to this complex problem.

As I said before, I believe very strongly in managing our forests so as to protect the environment. This debate today is not and should not, be one of development versus the environment. The issue is that the whole planning process is broken and is about to come down around our ears. I truly believe we can develop our natural resources and protect the environment. We have to create a system that allows us to do both.

I look forward to hearing the views of those who will be addressing us today. I hope that in addition to explaining the problems they might be able to also offer some ideas for possible solutions.

[The attached letters follow:]

PYRAMID MOUNTAIN LUMBER INC.,
SEELEY LAKE, MONTANA,
September 28, 1989.

WARREN ILLI,
Flathead National Forest, Box 147, Kalispell, MT.

DEAR MR. ILLI: Pyramid Mountain Lumber depends upon the Flathead National Forest for a significant portion of its raw material needs.

Over the course of the past year, we have noticed a disturbing trend in two different areas of your timber sale program.

1. Historically, the Flathead Forest has offered numerous small (less than 500,000 BF) timber sales. These sales were typically purchased by small logging contractors and in the course of a year's time would total 15 to 20 million board feet. Pyramid had access to some of those logs by purchasing them from these small contractors. However, in the past year we have seen *none* of these sales offered on the Flathead.

2. Of the larger timber sales offered on the Flathead National Forest, it has been our observation that the Flathead National Forest has delayed the sale of a major portion of its timber program because you are preparing Environmental Impact Statements on these sales prior to advertising them for bid.

Pyramid has recently had to announce production and employee cutbacks because of our shrinking supply of contracted timber. In light of that fact, would you please explain to me why the above referenced trends are occurring on the Flathead National Forest.

A written reply is requested.

Yours truly,

DOUGLAS K. MOOD,
VICE PRESIDENT,
Pyramid Mountain Lumber Inc.

U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE,
FLATHEAD NATIONAL FOREST,
KALISPELL, MT, *Date: October 23, 1989.*

Reply to: 2400
DOUGLAS K. MOOD,
Pyramid Mountain Lumber Inc., P.O. Box 549, Seeley Lake, Montana.

DEAR MR. MOOD: Thank you for your letter concerning the flow of timber sales from the Flathead National Forest. Your concerns are shared by many other mills, loggers and the members of the Flathead business community. Like most major problems, this problem has many facets and there appears to be no easy solutions or quick fix. Before responding to your specific questions, let me give you some general background information that pertains to both questions.

Historically, over the past two decades, the Flathead National Forest has sold 110 to 115 mmbf each year. This represented about 40 percent of the total log supply coming into Flathead area sawmills. The forest plan, issued in 1986, provided for 100 mmbf per year of green timber, plus another 5–8 mmbf of nonchargeable volume which includes other forest products and sawtimber from outside the Forest's standard timber base. This 105–108 mmbf, plus the industry's annual use of

10–15 mmbf of existing excessive timber volume under contract, would provide the industry with their historic levels of volume from the Flathead National Forest. At that time, the industry had over 400 mmbf under contract, which was 100–150 mmbf above the normal amount of volume under contract.

Since the plan was completed in 1986, we have been able to sell only about 70 mmbf per year in 1986, 1987, and 1988. During the recently completed F.Y. 1989, the volume sold has dropped to about 34 mmbf. During this same period, industry has been harvesting at their historic levels, so the volume under contract has dropped drastically. We currently estimate the volume under contract at 140 mmbf or less. This has resulted in several companies, including Pyramid Lumber, advising their employees of probable layoffs unless the timber supply crunch can be turned around.

The dramatic reduction in timber sales offered, is the result of increasing scrutiny by a number of local and National environmental groups who require that we meet the absolute letter of every environmental law, Federal regulation and policy. Common sense, logic, professional judgment and past experience do not seem to carry much weight. Over the past 20 years, Congress has passed a number of fine pieces of legislation such as the wilderness bill, NEPA, NFMA, ESA and many, many other laws. These laws have been supplemented by many more pages of Federal regulations. For instance, a new booklet published by the Federal Council on Environmental Quality, cites the entire 1969 NEPA, including amendments, in less than 4½ pages. The CEQ's implementing regulations cover over 30 pages. In addition, there are literally hundreds of pages of "policy" direction from our National and Regional administrative levels. At the field level, the original, broad legislation becomes very constraining. When these laws were first passed, the Forest Service immediately issued management direction to follow the intent of Congress. Even with these new environmental laws, we were able to continue with the production of timber sales. But as new law after new law was passed, it became increasingly difficult to meet the cumulative effects of all laws and regulations. For a while, the Forest could always find another drainage to provide raw material for the timber sale program.

Then came the environmental watchdogs! They profess to have a "public" agenda to improve public resource management. Who could argue with that noble objective. But many seem to have a hidden agenda to greatly reduce all developmental uses on the Flathead National Forest. The timber industry should not feel picked on, for they also oppose oil and gas development, visitor center development, trail construction, trail maintenance and wildlife habitat improvement projects. These folks have become exceptionally skilled at using the wide array of Federal laws, regulations and policy to grind timber sale offerings to a virtual halt. These folks are extremely dedicated to meeting their ideals. They devote untold hours to monitor on-the-ground field conditions and tie those to the specific requirements of all laws and regulations. They appear to be well financed through affiliations with National environmental groups. They are networked through computer systems with other environmental activists throughout the Nation. This computer networking provides new tools and ideas which can be used to slow down or stop proposed projects. A new legal requirement discovered in an Oregon or Virginia National Forest will soon appear as a new issue to be dealt with during our next environmental analysis. In addition, we have to retro-fit every pending environmental analysis in the timber sale preparation pipeline to meet the new issue. I don't want to imply that these "environmentalists" are not good folks. They are simply exercising their constitutional rights as Americans. Nobody in the Forest Service wants to diminish these rights. But we do need to recognize that some of these folks see traditional American economic and social values quite differently than you and I. They place much greater value on National Forest amenity values than on commodity or economic values.

Court decisions and appeal decisions appear to offer a zero tolerance for failing to comply with any law, regulation or policy. Combining all laws, regulations and policies, with a zero tolerance policy, results in a virtual environmental gridlock. Most of the timber sold over the past two years has been in areas of the Forest where there has less environmental watchdogging. In these areas, timber sales have followed traditional land management techniques which includes lots of professional judgment based on scientific research and decades of land management experience. These sales have created hundreds of jobs, generated millions of dollars to the U.S. Treasury and tens-of-millions of dollars to the local economy. Over-mature, decadent forests have been converted to healthy vigorous fast growing new forests. Streams are still running pure and fish populations are still good. Dear and elk populations are at historic highs. These roaded and developed portions of the Forest, which ac-

count for less than 30 percent of the Forest acreage, account for 75 percent of the Forest's recreation use. Therefore the environmentalist's perception that a "managed" forest is environmentally destructive has no foundation in fact. Also, the road development that must accompany timber management, provides the access that allows more citizens to take advantage of the Forest's recreation resources.

Unfortunately, a small segment of our population finds this type of management unsatisfactory. I was at a luncheon meeting with the Chamber of Commerce today, where a biologist from the Montana Department of Fish, Wildlife and Parks made the comment that, ". . . they were abusing the Endangered Species Act and using it in a way never intended by Congress." The "they" being local environmental groups. I personally believe this is true for many of our environmental laws. Current rigid interpretation by Courts and attorneys, seem to go way beyond what I believe Congress intended. Nevertheless, the Flathead must follow those court and administrative decisions.

Now let's get to the specifics of your two questions.

Our current small sale program is a trickle of what we should be doing. Our Forest Plan, Page II-7, states, "Maintain an annual sell program that will provide at least 20 mmbf in class 5 (2.0 MMBF) and smaller sales." This approximates the Flathead's traditional level of small sales. In 1989, our small sale program was less than the Forest Plan level. Over the past year or two, due to Administrative Appeals, we have learned that small sales, even blowdown, must meet the same rigorous environmental analysis and documentation as large sales. Doing extensive environmental analysis for minor volumes of timber is not very cost effective. At the same time, we cannot keep up with the increasingly intensive environmental review needed for large sales. With limited staff and money, we have taken the obvious practical route of trying to complete the environmental review for larger timber sales first. Larger sales provide more local employment and general public benefits for our sale preparation dollar. Once we get our major sale program up to the 70–80 mmbf level, then we can renew efforts to bring our small sale program up to the Forest Plan level. During the interim, the reduction of our small sale program will adversely affect our sell gypo loggers. This also means we will be leaving millions of board feet of blowdown timber and other salvageable timber to rot.

Your second concern questions or asks why we are now doing EIS's rather than the shorter version of NEPA documentation, environmental assessments (EA's). The Forest Service has learned, by painful experience in the Ninth Circuit Court, that it is difficult to scientifically prove that a proposed Federal Action, such as a timber sale, will not have a significant effect on the human environment. Thus we have lost many cases in the Ninth Circuit, because of "process" rather than on the substance of our environmental decision. Our attorneys have advised us to prepare EIS's for all sales in occupied Endangered Species habitat, which is 87 percent of the Flathead Forest. EIS's take more time and money to complete. This is one reason for the falldown in meeting our F.Y. 1989 timber sale program. Rather than doing environmental assessments that take 6–9 months, we are doing EIS's that will take an additional 6 to 9 months. Therefore some of the sales originally planned for 1989 will not be sold until 1990.

I don't see this situation turning around in the near future. It seems clear that Congress originally intended NEPA to apply to major Federal actions. That is why they provided for categorical exclusions. Yet, when combining NEPA, the Endangered Species Act, cumulative effects and numerous appeal and court decisions, even routine sales of small volumes of timber cannot be categorically excluded from extensive environmental analysis. In fact, we have reached a point where we document our decision not to document. Sounds silly, but that's the current situation. It seems that only Congress can clearly define what they meant to be categorically excluded. Similarly, it would be helpful if they would help define what they see as a major Federal action or an action that significantly affects the human environment. Such definitions would open the possibility of many more small sales without having to undertake costly environmental analysis. Defining when an EIS is needed would also reduce the time and cost to produce many of our intermediate size sales. The Flathead has issued over 100 timber sale contracts each year for the past 25 years, without any apparent environmental damage. I wonder if Congress really intended doing costly environmental analysis for routine timber sales.

Well Doug, I've probably rambled on long enough. Let me assure you that we share your concerns about reduced timber supply. And that we are doing our best to

work through these problem areas. I would be happy to meet with you and others if you have any further questions or concerns.

Sincerely,

WARREN A. ILLI,
Timber and Forest Plan Implementation Officer.

The CHAIRMAN. Senator Wirth and then Senator Daschle.

STATEMENT OF HON. TIMOTHY E. WIRTH, A U.S. SENATOR FROM COLORADO

Senator WIRTH. Thank you very much, Mr. Chairman. I appreciate your bringing us all together, and I know that you appreciate the fact that there are a great diversity of opinions about all of this, and the ones that I will suggest in my brief comments are probably quite different from those of the preceding speakers.

I start, Mr. Chairman, from the perspective that there should be absolutely no inhibition of full citizen access to the planning process including the right to appeal plans and timber sales. I also start from the premise that it is incumbent upon the Forest Service to understand that in the law there are a number of procedures that they must and should be following, and until the law is changed, those ought to be followed.

Further, Mr. Chairman, I would go on to suggest that we should remember that the forest planning process has just started. This legislation passed not long ago. The forest plans are still very new, just beginning to be implemented. This is not something in which we have a long and egregious record of some kind of abridgements of the intent of the Congress or whatever. This is all brand new.

What is different is the fact that on a relatively static amount of land, we have a lot more demands. That is what is different. We have a lot of increasing demands for water, increasing demands for recreation, increasing demands for timber, and we are simply not going to be able to satisfy all of those demands. It is out of the fact that we have these many new demands, and we are not going to be able to meet them all, that the controversy grows.

I do not think it is because there is a flawed process in the law, although we will certainly be able to look at that. Further, I think, Mr. Chairman, it is important to point out for the record that probably as many plans have been appealed by industry as have been appealed by conservationists. And I can think of two that have recently occurred, one on either side in the State of Colorado, and the Chief is very familiar with this. There was a plan put together on the Grand Mesa, Uncompahgre and Gunnison National Forest put together by the Forest Service which was roundly howled out of the State by practically every interest in the State of Colorado except the Louisiana Pacific Timber Company. Everybody else said this is a very bad idea from chambers of commerces to recreation industry to ski industry and so on.

And the process, the Forest Service listened to that, and canceled the operation or certainly is going to change it. On the other side, in the Wenatchee—I hope that is the right pronunciation—National Forest in Washington State, 12 industry groups recently sued and got a temporary restraining order stopping a final forest plan from being issued. So this is a plan that has been used by both

sides and for any to suggest that this has been a totally one-sided process I think is incorrect.

Something else has happened, too, Mr. Chairman, that is new in all of this, and that is the arrival in Washington of Ronald Reagan. Now Ronald Reagan arrived in Washington and said to us that it was time for us to put things on a more businesslike basis, and that what we ought to do is to be removing from a lot of public activities a vast amount of public subsidy. We have done that in a whole lot of areas. We have deregulated. We have removed the public subsidy. But there are a vast number of areas related to the public lands in the West where that public subsidy continues, and probably the most obvious example is that of timber where a half to two-thirds of the sales, the timber sales, are still below cost.

In other words, what is going on is there is still this very significant public subsidy of timber sales. That is also a factor that has entered into this changing the dynamic. A couple of others that I would like to mention and then I will stop, Mr. Chairman.

What has also changed since the forest planning process went into effect is the understanding of old growth and the value of old growth. There were in the 1960's and 1970's a few biologists who were able to point out and were able to talk very eloquently and had done very clear research on old growth and its value. Since then that research has escalated dramatically and we have come to understand the great importance of old growth and particularly the great importance of that in the way in which it is protecting the diversity of species, another element that has entered the public debate.

That too is new, Mr. Chairman, and cannot be set aside in some rush perhaps to change the current process. I would finally add that another thing that has happened, Mr. Chairman, is increasing concerns within the Forest Service staff itself about what is going on. I know you have seen this publication of the Association of Forest Service Employees called "Innervoice." And the questions that this publication asks, and these are professionals in the Forest Service that are saying that they believe something is amiss in the process in the way in which the Forest Service is driven too much by timber values only.

Questions that they ask in the publication are: Are you a frustrated Forest Service employee because your resource ethics conflict with your job? Are you afraid to speak out for what you know is ecologically right? Do you feel isolated and alone because of your resource ethics? Do you think the Forest Service needs to become more ecologically sensitive organization? Would you like to help promote this kind of change within the agency? That is also new, Mr. Chairman. All of these variables are coming to bear. I have great sympathy and respect for the Chief as he attempts to balance off all of these interests.

The planning process is there to try to absorb and understand all of these. For us at this stage with a brandnew process or almost brandnew process and all of these other variables to suggest that somehow we ought to be moving in and making dramatic changes, I think, is something that is not warranted at this time.

Again, I appreciate your very good offices in holding this hearing. I think that the hearing will be valuable and we will all learn a lot. Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Wirth. And I know here, and when you served in the House, you have had a concern about this.

The CHAIRMAN. We will go Senator Daschle, Senator Murkowski, and Senator Fowler, the order in which they came in.

Senator DASCHLE. Mr. Chairman, in the interest of time, I am going to insert my statement in the record.

The CHAIRMAN. You have gained the undying gratitude of the Chair.

[The prepared statement of Senator Daschle follows:]

PREPARED STATEMENT OF HON. THOMAS A. DASCHLE, A U.S. SENATOR FROM SOUTH DAKOTA

Thank you Chairman Leahy and Chairman Johnston for your willingness to hold a hearing on the important subject of National Forest System planning. This is an important concern in almost every State in the Nation, and it goes to the very heart of the issue of how we will manage our public lands for generations to come.

The Resources Planning Act of 1973 and the subsequent National Forest Management Act of 1976 (NFMA) set out to establish a systematic and long-term approach to implementing the principle of multiple use on our national forests. Planning was to be at the national, regional, and forest level, and would consider everything from projected timber supply and demand, wildlife and fishery needs, and recreational use to how much money would be required to implement the projected program needs. In essence, the goal of these acts was to take the haphazardness and contentiousness out of forest planning and allow professionally sound and philosophically balanced principles to dictate on-the-ground management.

I believe that the process set forward in the NFMA accomplishes this objective. The controversies that have occurred in the planning process are natural. There are a variety of constituent groups who care very much how our national forests are managed. The views of wilderness advocates and the mining industry, for example, are going to differ. The tug between interests is inevitable, and the forest planning process is set up to accommodate the different interests and provide them a forum where their views must be considered. While the process is cumbersome and contentious, it can and will work.

The Black Hills National Forest in my native South Dakota is a good example. The Black Hills is one of the most intensively managed forests in the Nation and has to balance a variety of competing uses. The final plan for the Black Hills was released in 1983 after extensive comment, making it one of the first plans in the Nation to be adopted. The forest has now operated for 5 years on the plan, and we have had a chance to review how the plan has worked. According to those I have talked to and from what I have seen, the process has worked to the extent that it has been allowed to. I will explain what I mean by this.

During its appraisal of the first 5 years of the Black Hills plan, the Forest Service has been reviewing how well it has met the goals and objectives set forth by the forest plan. As my colleagues are aware, the forest plan sets forth objectives, both in funding and in accomplishments, for a variety of management objectives. This review has pointed out several problems. The forest has only been funded at 70 percent of recommended levels. The shortfall has not been uniform. Wildlife programs have only been funded at 30 percent of recommended levels. The maintenance of facilities—a vital, though not flashy, item—has been funded at only 37 percent. Other examples are funding for range management—52 percent—and soil and water protection—only 43 percent.

The problem is not with the planning process, where local priorities are balanced with law and sound resource management principles. The problem is that the priorities and principles are continually changed by Congress and the administration in the budget process. Because of the yearly fluctuations in allocations, following through with commitments made in the forest plans is nearly impossible, whether the commitments involve the number of acres that are to be improved for a given wildlife species, or the amount of timber that can be offered for sale.

The Black Hills of South Dakota have not suffered under the planning process. The Black Hills have suffered under policies being set through the appropriations process that are often counter to the policies that were set during the prescribed planning process. One way this could be avoided is to make a single budget line item for the National Forest System, as opposed to having separate line items for all programs within the system. Money would then be allocated on the basis of objectives agreed to during the planning process and not on yearly whim. The effect of this would be to move policy decisions into the planning process where they belong, and out of the appropriations process where they are now.

There are other problems with operation of the National Forest System, including the exchange program and possible abuses of the Small Tracts Act, but these are specific problems, and I will follow through on these concerns as the review process continues. The basic problem affecting management of the Black Hills is policy being set by the appropriations process—not the planning process.

In summary, our experience on the Black Hills National Forest indicates that the system is not broken. What we need is a willingness to follow through on the program established by the system. I would ask my colleagues to review Congress' and the administration's proper role in national forest management before we change the NFMA, NEPA, the Endangered Species Act, or other laws that have successfully guided the system.

The CHAIRMAN. Senator Murkowski.

STATEMENT OF HON. FRANK H. MURKOWSKI, A U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Well, I am sorry that I cannot follow my colleague, but I must take advantage of this opportunity.

The CHAIRMAN. Frank, I have probably used up my reservoir of gratitude anyway.

Senator MURKOWSKI. That is fair enough. I would like to make the point, as we address the Forest Service planning process, the responsibility for the broken planning process does not only lie with the Forest Service and the courts, but I think we would all agree that Congress does not really respect the planning process either. Refresh your memories—in my State, for example, the draft of the very first forest plan in the country was issued in 1979 in the Tongass. Several years of effort have resulted in over $6 million having been invested in the Tongass Forest plan revision. Yet the House has passed legislation which would scrap that forest plan just 4 or 5 months before it is released.

This plan, called TLMP, comes 10 years after the first plan, and it is the very first revision, if you will, of a Forest Service plan in the entire National Forest System. So as we reflect on what we are doing here, on the one hand we are suggesting that the problem is a failure of the Forest Service planning process. But on the other hand we have the first forest plan revision underway, 3 or 4 months from completion, and we are willing to propose legislation in the House that would simply scrap the plan before Congress has even had a chance to review it.

I question the legitimacy of that, Mr. Chairman. The House bill legislates land use patterns in forests, prescribes cutting practices, requires 100 foot no-cut zones on either side of every creek. Even the smallest trickle—and with areas where you have 226 inches of rain a year, you get rivulets that contain no anadromous fish—will require a 100 foot no management zone. The proposal for 100 foot cut zones, which obviously has no rational fishery basis, can reduce the allowable cut within the forest dramatically.

Furthermore, Mr. Chairman, legislation in the Senate introduced by my colleague from Colorado, who I regret has departed, directs the Forest Service to scrap the planning effort, to completely redo it with a new old-growth timber preservation philosophy, and the legislation would also legislate land use patterns in the Tongass National Forest. So we are moving further and further afield, if you will. How many forest plan revisions will Congress legislate? All of them? Two-thirds? One-half? Do we really want to micromanage our forest from Washington based information special interest groups?

The fundamental issue is whether we are going to trust the Forest Service to manage our forests, and they are being questioned today, or whether we are going to abdicate the management of our forests to such organizations as the Wilderness Society and the other preservation groups? This is what is happening. If we are going to trust the Forest Service, then let us design a planning procedure that results in plans being implemented and revised without the undue influence of Congress.

Congress should show, simply, legislative restraint and allow the Forest Service to carry out the mandate we have given to them. The most irresponsible thing that we can do is to spend the taxpayers' money and urge public participation in the forest planning process and then allow special interest politics to pull the rug out from under the entire effort.

So often we forget that sound forest management practices are based on a renewable resource philosophy. And I think that the objective of certain special interest groups is to undermine the renewable resource concept as it applies to our national forests.

The CHAIRMAN. Thank you very much.

Senator MURKOWSKI. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Fowler.

Senator FOWLER. I have no statement at this time.

The CHAIRMAN. I appreciate your attendance as chairman of the Subcommittee on Conservation and Forestry of the Agriculture Committee. With that, then Dale Robertson, I know is here.

Senator MCCLURE. Mr. Chairman, may I ask unanimous consent for the prepared statement by Senator Wallop be included in the record?

The CHAIRMAN. Of course. In fact, the record will stay open until November 15 for any other Senators who wish to introduce statements. The record will stay open and without objection will be open for any Senator's statement.

[The prepared statements of Senator Wallop and Senator Metzenbaum follow:]

PREPARED STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM WYOMING

I thank both chairmen, and wholeheartedly endorse your scheduling a joint hearing between the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry regarding national forest management issues.

As a Senator from a Western State, I am very aware of the political and emotional issues faced by the residents who are either directly or indirectly dependent upon good multiple-use management of our forest lands.

There is no question that the current planning process is having an adverse impact on our citizens and our resources. This issue is not just limited to the spotted

owl or maintenance of old-growth forests, but includes economic conditions, wildlife habitat, and recreational opportunities, as well as procedural issues such as the length of time to finalize a forest plan, the opportunities to appeal the basic plan, and the opportunities to challenge individual actions pursuant to the plan.

Let me illustrate this point by way of example. The Bridger-Teton National Forest, located in Wyoming and Idaho, is the largest national forest in the lower 48 States.

The Forest Service has promised that a new forest plan will be published by year-end. What is extremely frustrating, and telling, is that the Bridger-Teton has been working since 1979—10 years—just to complete the forest plan. The first draft took 7 years to finish, and now the final draft is expected in the near future, although I have been promised many times that it would be published shortly.

In the meantime, oil and gas leasing within the forest has come to a standstill. As part of the overthrust belt, the Bridger-Teton represents a significant resource potential; a potential that could help us reduce our dependence on foreign energy sources.

After 10 years, unfortunately, the battle has only begun. Everyone, it seems, is upset about some part of the plan, so litigation is a certainty. Now we have to look forward to a lengthy administrative appeal of the plan, then the inevitable challenge in Federal District Court, and finally, the review in the Circuit Court of Appeals.

And that's just for the plan itself. Once the forest begins implementing the plan by holding lease or timber sales, each one of those will be challenged also. What I'm saying is that the Bridger-Teton—and the concept of multiple-use—is being strangled by planning and litigation.

Recently, Dale Robertson said that the Bridger-Teton forest plan is the best that the Forest Service could do, and that if it failed, we were all in a lot of trouble. I sincerely hope he is wrong, but I am not willing to bet on it.

Obviously, national forests have become a focal point for tough environmental and resource issues where public debate is intense. Analysis and review of each management situation is essential.

I am hopeful that this hearing and subsequent hearings will provide information and recommendations on what changes or actions need to be taken to bring future planning and decisionmaking back to the *orderly and reasonable means* of planning that we envisioned with passage of the National Forest Management Act.

Thank you, Mr. Chairman. I look forward to hearing from today's witnesses.

PREPARED STATEMENT OF HON. HOWARD M. METZENBAUM, A U.S. SENATOR FROM OHIO

I would like to commend the Energy and Agriculture Committees for scheduling this timely hearing on the Forest Service's management process.

I am deeply concerned about the questionable management of our national forests. Among my deepest concerns are the current emphasis on timber harvesting over all other forest resources, and the prevalence of below-cost timber sales.

In my own State, the Wayne-Hoosier National Forest serves as a tremendous recreational resource for the people of Ohio, as well as other nearby States including Kentucky, West Virginia, and Pennsylvania.

Yet, the Wayne-Hoosier is under attack. It has been devastated by faulty short-sighted management policies. Excessive timbering has resulted in the depletion of precious old-growth trees. The widespread use of clearcutting causes erosion, ruins streambeds, and destroys precious wildlife habitats. And what the Forest Service takes in from the sale of these trees doesn't even cover the cost of the sale.

The fact that timber sales routinely lose money is an affront to American taxpayers. How long can we allow our Nation's forests to be denuded when timber sales incur such incredible losses, especially in these times of fiscal crisis?

I am also concerned about the possibility of strip mining within our national forests, and the conversion of precious wildlife habitats into areas that can be exploited for their resources. The Forest Service is charged with managing the renewable resources of our national forest for the benefit of present and future generations. If these abusive policies are allowed to continue, I doubt that we will have much left to conserve.

I look forward to hearing the testimony of today's witnesses. I hope this hearing will help us to bring about the meaningful reform of the troubled state of the national forest management system.

The CHAIRMAN. Dale Robertson, I am delighted to have you here, Chief.

Chief Robertson, is usually a harbinger of good weather. He came to Vermont after we had had several days of really lousy weather. He arrived; the weather turned absolutely perfect and stayed that way as long as he was there.

Senator BUMPERS. He can find everything he needs in his home state of Arkansas. He does not need to go to Vermont.

The CHAIRMAN. Even though he is from Arkansas, the Governor gave him a visa to come up to Vermont. We were delighted to have him there. Chief, glad to have you here.

STATEMENT OF F. DALE ROBERTSON, CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, DC, ACCOMPANIED BY GEORGE M. LEONARD, ASSOCIATE CHIEF OF THE FOREST SERVICE

Mr. ROBERTSON. Well, thank you, Mr. Chairman. I enjoyed those 2 days in Vermont very much, and appreciated the opportunity to visit the Green Mountain with you.

I might say at the outset, Mr. Chairman, that you know I welcome the interest and involvement of these two committees to help us through some difficult times. As you know, management of the national forest is getting to be one of the most controversial issues in this country. Somehow we have to work together to try to manage through this situation and arrive at some kind of a sensible, reasonable, balanced approach to managing these forests.

I have a rather lengthy prepared statement, and I would like to have that in the record and talk about three or four points with you.

The CHAIRMAN. Without objection it will be part of the record.

A BIG CHALLENGE WHEN YOU PASSED THE NATIONAL FOREST MANAGEMENT ACT

Mr. ROBERTSON. The Congress really did hand us a big challenge 13 years ago when you passed the National Forest Management Act. You asked us to prepare one integrated plan for each national forest, to do public involvement, invite the American people and everybody to come in and help us, and to do planning with an interdisciplinary team and also to follow certain environmental standards and guidelines, and I want to tell you that was a tall order. It had never been done before.

DIFFICULT AND COSTLY

And it has been very difficult. It has been costly. It has certainly stirred up a lot of controversy that we did not have stirred up before we put it all on the table, but that is OK. We do not mind that. I believe we have reasonably met that challenge. I think for the plans that are completed, we have the best plans we have ever had for managing the national forest. However, we do have some problems in implementing those plans, and I will address that a little later.

STATUS OF THE PLAN

I think two or three Senators talked about the status of the plans. Let me just repeat it. Of the 123 plans that we had to do, 97 of them are completed and 25 are in draft form, and 1 has not been issued in draft, or I should say the Klamath National Forest, we had a draft plan out in northern California, and we had such major fires that completely changed the situation, we had to start over in that forest.

Now of the 97 plans that are completed, we have had 825 appeals, but we have resolved 515 of those. And we have about 10 major lawsuits dealing with forest plans. But I think on the positive side, we now have 49 plans that are free and clear of appeals and lawsuits, 49 out of the 97. I think it is important that when National Forest Management Act passed 13 years ago, Congress reconfirmed the Multiple Use Sustain Yield Act and that philosophy for managing the national forests.

MULTIPLE USE REQUIRES SOME TOUGH CHOICES TO BE MADE

I do not need to tell you multiple use requires some tough choices to be made because we have a lot of conflicting demands and conflicting interests that we have to resolve and somehow come to a balanced decision. The National Forest Management Act provides a systematic, rather comprehensive and a very, very open process for us to go through to make those tough choices. Many people feel very strongly about their particular interest. It leads to disagreement. We have worked out a lot of those disagreements through informal discussions, but there is a lot that has not been worked out and we have had to resort to appeals, litigation, and even congressional action to resolve.

FROM MY PERSPECTIVE I BELIEVE THE PLANNING PROCESS HAS WORKED REASONABLY WELL

But, I would like to say that despite some of the implementation problems, from my perspective I believe the planning process has worked reasonably well. Times change. Needs of people change. Resource conditions change. New thinking comes along like old growth, and we need the flexibility to deal with those changes as they occur.

And I think the old-growth issue is a good example. I was not here in Washington 13 years ago, but I have read the record, legislative record on National Forest Management Act, and a major overriding concern at that time was size of clearcuts. In fact, the Senate Agriculture Committee had in its reports encouraging us to minimize the size of clearcuts. As a result, most of the clearcuts on the national forests are less than 40 acres, but they are spread out. You have to if we are going to have small clearcuts. So, now, because of that, 13 years later we are talking about ecological fragmentation that that kind of thinking got us into. I think that is a good example of how thinking changes. New information comes along, and we need a flexible enough planning process to incorporate that kind of thinking as it comes along. Let me give you some examples. In my prepared statement I have several examples of

things we have done to try to make a commitment to responsible change.

COMMITMENT RESPONSIBLE CHANGE

I have in the prepared statement what we are doing to maintain ecological values of old growth, threatened and endangered species, sensitive species, recreation, fish, wildlife, clearcutting, land allocation, biological diversity, and global climate change. We are responding to all of those things. Now we may be responding slower than some people would like. Or maybe we are responding too fast in the view of some, too. But we are trying to incorporate those new ideas, the new concepts and that new thinking into the management of the forests.

MAKING PROGRESS IN ROUNDING OUT THE MANAGEMENT OF THE NATIONAL FOREST

We are definitely making progress in rounding out the management of the national forest, more recreation, more fish, more wildlife, some emphasis on noncommodity values and several members of the Committee on Appropriations have been very helpful in helping us round out the management of the national forest.

PLANNING

To sum up planning, I would just like to say, and I am not telling you anything, decisions about forest plans are very difficult. The stakes are high and the controversy is intense. I think you will probably hear some witnesses say today that the Forest Service has gone too far in shifting the balance toward environmental values and away from economic values. You will probably hear others say we have not shifted nearly far enough. The point is there is no absolute answer. I think we have to keep striving for some reasonable, sensible balance in the management of the national forest, and again under the statutory direction of the Multiple Use Sustain Yield Act.

In preparing these forest plans, we have worked with the public. We have come down on what we believe is the best balance after taking all the factors into account. I will be the first to admit that reasonable people can come to different conclusions, and that our conclusions involve a lot of judgment calls. We also need to be flexible to adjust to changing situations and I think the National Forest Management Act permits this flexibility, as difficult as it is to deal with these controversial issues as they come along.

IMPLEMENTATION OF FOREST PLANS

And I would like to talk about the implementation of forest plans. That is where we are running into serious problems. Public land management is complicated by a series of laws that is enacted over many years. Individually they make sense for a particular purpose, but as we have learned in the National Environmental Policy Act, you have to look at cumulative impact, cumulative effects, and trying to implement all of these laws does get to be an extremely difficult situation sometime as a practical matter.

It involves a lot of data collection, analysis, paperwork, monitoring, and then followed by appeals, litigation, and all of these things, and it just has gotten to be a substantial investment of time and energy and dollars by the Forest Service to carry out our normal land management activities.

Sometimes we feel like we are almost in an impossible situation because when we face these legal requirements of National Forest Management Act, NEPA, Endangered Species Act, Archaeological Resource Protection Act, the Clean Water Act, Clean Air Act, and all of these other laws, any one of which people can pick our weakest link, and challenge us on our decisions, and delay or stop the best laid plans.

As I read these acts, I think you have done a pretty good job. Except for the Endangered Species Act, all of these laws have some degree of balancing built into them. Trying to balance the various environmental interests and economic interests and so a lot of our appeals and lawsuits are not based on the Forest Service's ignoring the law. It is if we have overlooked or not done a good enough job on some procedural aspect, or we have made some judgments by the Forest Service in trying to balance the various interests within the framework of these laws. People just disagree with where we come out on those items.

So appeals, litigation, are causing delays, uncertainty. It is having a serious impact on individuals, communities who are dependent upon the national forest for their livelihood. A lot of people suggest fixing the National Forest Management Act to avoid these delays and uncertainties but I do not know how a planning fix can solve our implementation problems. It is all of these things that is cumulatively adding to our implementation problems.

We are very concerned about the situation we find ourselves in. At this time, I do not have any specific recommendations about how we can solve the problem and still maintain all the thing that are important to us, and I certainly welcome the thoughts and ideas of this committee, and in fact, your help in helping us get through this situation. The Forest Service is just trying to sit down and work with people and try to work things out. We have some success. We have some failures. And I would like to just say we want to keep working with people. We want to keep working with the Congress and these two committees to see how we can best manage through this very controversial time.

With that, Mr. Chairman, I would be pleased to answer any questions. I also have George Leonard, the Associate Chief here, to help answer any questions.

The CHAIRMAN. Thank you very much, Chief.

[The prepared statement and additional responses of Mr. Robertson appear at the conclusion of the hearing.]

The CHAIRMAN. Each Senator will have 5 minutes each on the first round of questions. This includes myself, Senators Bumpers, Hatfield, Bond, McClure, Burns, Baucus, Wirth, Gorton, Daschle, Murkowski, Fowler, and any other Senator who arrives. They will ask questions in the order they arrived.

Chief, you said on a number of occasions that the forest planning process has worked pretty well. Now if we assume that the purpose of national forest planning was to determine how our forests

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should be managed through professional analysis, I think the question is: is it going that well?

The Sunday Oregonian of August 8, reported that even the reduced timber sale volumes called for in the Northwest draft forest plans—about 1 billion board feet a year altogether, down 20 percent from current levels—cannot continue without environmental degradation. Then the former Northwest Regional Forester, James Torrence, stated that the current level of logging in the Pacific Northwest forest plans cannot be cut over the long term.

He said, "we can't do it for the life of the 10 year plans." Now if they are correct, if the timber target level in these plans is not sustainable, then what overrode the planning?

Mr. ROBERTSON. Well, the Hatfield-Adams amendment which Congress just passed finally ended up 7.7 billion board feet of timber for 2 years in Oregon and Washington, and the draft forest plans in their draft—we have three or four finals in Oregon—are about 4.0 billion. So the original 8 billion that was proposed was in line with the summary or aggregate of the draft forest plans.

Now as far ex-regional forester Jim Torrence, I think his comments related to the fact we have had about 2 or 3 years of record harvest on the national forests in the Pacific Northwest, and the reason for that the market was good, and we, up until recently, have had 2 to 3 years under contract. So the rate at which timber is harvested sometimes did not have a strong relationship to how much we sell. So we cannot keep up a level of harvest over the last couple of years because that has been excess of our plans. But our sale level has been within those plans.

The CHAIRMAN. Does that mean the harvesting will be cut back in the future?

Mr. ROBERTSON. Yes, we are down to about a year and a half of timber sales under contract now in the Pacific Northwest, and there are some timber companies that are either out of or practically out of logs.

The CHAIRMAN. Do you have any instances where you send a timber target up, say, to the Secretary's office, and it comes back and he says no, put in more?

Mr. ROBERTSON. Well, there has been—you know, over the last 10 years there have been chances—I mean there has been some of that. But I have never been asked by anyone in the Congress or the administration to make a timber sale program that exceeds the plans that we have on record. And I am pleased at that. You hear a lot about political involvement in forestry, but I have never been asked to do that.

The CHAIRMAN. The Ninth District Court found that the Forest Service's new spotted owl management plan violated the minimum viability requirements of the National Forest Management Act as well as the scientific integrity requirements of NEPA. Does that mean that the original Regional Guide was inadequate? How do you analyze that? Were you close to the mark? Were you way off the mark?

Mr. ROBERTSON. Well, I do not think it is missing the point. It is kind of making some judgments. We thought we had a good spotted owl management plan based on National Forest Management Act criteria of making or keeping the viability of the species. We did

not prepare that plan on the assumption that the spotted owl was threatened or endangered. That is a tougher test.

And when Judge Dryer, actually he never did make a decision on the merits of the case. He had us tied up on injunctions, but by the time he got around to dealing with this in the latter stages, the Fish and Wildlife Service had proposed this as a threatened species. Well, that is a different test than a viability of a species under National Forest Management Act. So if, in fact, it is threatened, and the Fish and Wildlife Service will determine that within the next 6 or 8 months, we are in a different ball game, and we will have to go back and make adjustments to reflect that.

The CHAIRMAN. I have a number of other questions I will submit for the record. But I just refer back to my opening statement. To the colloquy that Senator Hatfield and I had on the Senate floor where we agreed that the controversies in the Pacific Northwest would be resolved in the future according to the following principles. First, forest resources must only be used on a sustainable basis; second, judicial review should only be limited when all parties agree; third, all disputes must be resolved by a neutral third party; and fourth, solutions should be developed through the authorizing committees.

Do you support those general principles of the Leahy-Hatfield colloquy, or do you have problems with some of them?

Mr. ROBERTSON. No, I think I support those items. I especially appreciate the help of the authorizing committees on this. I worry about this judicial review. You know it is part of our democracy of this country, and I do not want to exclude anyone, but we do have to get a program done, and I do not how to balance that, and I will leave that up to Congress to decide that.

And I agree we should not be cutting more timber than is sustainable. I think you proposed a special master to arbitrate these. Was that not on of the criteria?

The CHAIRMAN. Yes.

Mr. ROBERTSON. I do not feel very good about that one.

The CHAIRMAN. All right. We will still invite you back to Vermont. Senator Hatfield will not invite you to Oregon.

Mr. ROBERTSON. You know we are dealing with some very complex decisions here. We are dealing with legal matters. We are dealing with biological, social, and economics. I do not think that a special master would be any more capable of making these kind of complex decisions than some of the rest of us. But I also think there is a general, I think there is a phenomena at work where controversial decisions rise up to the point that somebody has to make the final decision. And I am fearful it could end up with just decisions passing through the Forest Service on to the ultimate decisionmaker, and that is, in fact, happening in some cases now in courts. But I would not like to see that as a matter of routine.

The CHAIRMAN. Could I suggest this? Take a look at the principles that I raised from the Leahy-Hatfield colloquy, and then respond for the record specifically what you like or do not like about them. I will rely on you to be absolutely candid. That is one of the reasons why I asked the question. Feel free to talk with my or Senator Hatfield's staff. I think that your thoughts are going to be an

extremely important part of this hearing just your response to that.

As I said earlier, I agree very much with the late Hubert Humphrey. I would like to get the Forest Service out of the courts and back in the forest. You probably would not mind that yourself.

Mr. ROBERTSON. I think that is a good idea.

[The response of the Forest Service follows:]

Question. Please respond to my question regarding your support for the principles of the Leahy/Hatfield colloquy in more detail. You mentioned support for some and not for others. As a reminder, these principles included: (1) Forest resources must be only used on a sustainable basis; (2) judicial review should only be limited when all parties agree; (3) all disputes should be resolved by a neutral third party; (4) solutions should be developed through the authorizing committees.

Answer.

(1) Yes, forest resources must be used only on a sustainable basis.

(2) In general we support protecting the opportunity for people to seek judicial review of Forest Service decisions. However, Congress has given us a job to do and if the parties are deadlocked over a particular point and no other action will break the deadlock we think the limitation on judicial review should be considered. The issue of limiting judicial review should not be taken lightly, but it may be necessary to consider in extraordinary circumstances.

(3) We disagree with the suggestion that all disputes should be resolved by a neutral third party. Decisionmaking tends to rise to the level which has the authority to make the decision. If all disputes could be sent to a neutral third party, we would be "passing the buck," and most people would seek a third-party decision. Every day Forest Service employees work with local people to resolve conflicts. For the most part, we are successful. Relying on a neutral third party in all cases would be impractical. When the situation calls for it, we have used various technics for conflict resolution which in some cases has involved a third party in the role of mediator or facilitator, but not in the role as final decisionmaker.

(4) Ideally, we agree that the authorizing committees should take the lead in resolving nonappropriations issues. However, this is a matter relating to the legislative process that can only be resolved by the Congress.

Senator HATFIELD. Chief, you gave some general statistics about where we are on the forest plans nationally. Let us restrict ourselves to a brief analysis of the situation in region 6. I think everyone understands that that is where the major product of forestry is produced. Out of the plans, at this point of the 19 in region 6, I believe, plans at this point in region 6 are complete; is that correct?

Mr. ROBERTSON. I believe we have five now. The Wenatchee just came out.

Senator HATFIELD. That is five. They were all supposed to be finished by 1985. Can you give us a reason why these plans have been delayed at this point in region 6?

Mr. ROBERTSON. Well, region 6 is where we are running into most of the controversy, and some of those items that we had to deal with delayed the planning process. One item that was a major delay was the *California* v. *Bloch* decision on roadless areas. We had assumed that roadless areas did not have to go back and review those, but we are finding that we are having to. We ran into a lot of technical problems, so-called technical problems out in Oregon and Washington.

All the groups really got into the final details of those plans, and they were worried about such things as yield tables and inventory and some of those really nitty-gritty details, and in fact, some of those we have made some changes as a result of that review. But the interest groups were so involved, and working with the Forest Service in those plans that we kept, they kept bringing up ques-

tions and issues that we did not have answers for and we kept going back trying to get answers, and it has just been a constant recycling out there.

Senator HATFIELD. Over the last 5 years, how many lawsuits and appeals have been filed in region 6 on the activities of the Forest Service?

Mr. ROBERTSON. Just for region 6?

Senator HATFIELD. Provide that for the record.

Mr. LEONARD. We will have to provide that for the record.

Senator HATFIELD. That is fine.

[The requested information follows:]

Question. Over the last 5 years, how many appeals and lawsuits have been filed challenging forest management activities in region 6?

Answer. There have been 21 appeals and 1 lawsuit challenging an old timber management plan to date. There have been hundreds of appeals and lawsuits for project-level activities.

Mr. ROBERTSON. I can tell you right now the Forest Service has about 3,300 lawsuits pending nationwide, 3,300.

Senator HATFIELD. Would you give any ballpark figure of how many of those involved region 6?

Mr. ROBERTSON. Probably, I would say between 10 and 20 percent.

Senator HATFIELD. And can you give us the effect of these lawsuits and so forth on the timber sales program during the period in which these lawsuits have been filed or appealed? You can provide that for the record, too, if you would.

Mr. ROBERTSON. Be happy to do that.

[The requested information follows:]

Question. What was the effect on your timber sale program during this period of these appeals and lawsuits?

Answer. Even before the recent spotted owl lawsuits, the timber sale program was experiencing difficulty due to the delays caused by appeals and lawsuits on other issues. In order to meet a current-year volume target, sales were often brought forward from future years to offset sales delayed or abandoned. Over several years, this has reduced the volume in the "pipeline." Therefore, the lead time available to coordinate with other resources and to gather the site-specific data needed to complete environmental analyses has been greatly reduced.

Senator HATFIELD. Is there any existing mechanism in the National Forest Management Act that in any way assures implementation of what we would call the final forest plans?

Mr. ROBERTSON. I do not believe so.

Senator HATFIELD. So even forest plans that have been processed with public participation and that have complied with all the other various and sundry laws that we have asked and expect you to comply with, there is nothing that says that there is a finality to any of these plans?

Mr. ROBERTSON. No, sir.

Senator HATFIELD. You know this is one of the problems, Mr. Chairman, that people from other parts of the country cannot probably appreciate fully. We are very strong environmentalists in our State, and we have demonstrated that by setting aside and withdrawing lands for many and sundry purposes. But, with the base that is left, we would like to be able to think there can be some stability, some understanding that next year is going to be played by the same rules of the game as it was this year. If we are to

bring 4 billion board feet or 5 billion board feet down to 3 billion board feet or 2 billion board feet, and that is justified through forest planning, I support that.

What I am saying is that we simply have to be able to know that there is going to be some stability here, and we have time to offset the loss of our school funds for which many of these timber revenues are identified. We have $29 million in our school fund, and we have to have some time to retrain these people whose jobs are dependent for other employment. And to have these things done on an annual basis where we are in a cycle of litigate and legislate, litigate and legislate, that is the real issue at hand here. That is why I feel the process we adopted in 1976 was to eliminate that.

But when there is no finality of any plan at any time, and any one person with a $20 deposit or a $50 deposit can get an injunction, it has been our experience that is the real tough part of this whole process that leads to no finality, no stability.

Mr. ROBERTSON. I might add to that we have been in court a lot on the National Environmental Policy Act on these forest plans, and it is based on several court decisions. It is very evident that we have to have a two-tiered decisionmaking process. The forest plans are kind of a general direction type plan dealing with land allocation, environmental standards and guidelines, sets the timber sale level, and kind of the general goals and objectives of the plan.

The forest plans are not site-specific enough in terms of individual timber sales or campgrounds or roads or whatever ground disturbing activities that we have. And the courts have concluded that we need to also do site specific environmental analysis on a project by project basis because the forest plans just will not stand the court test. And so then each of those become a decision which then can be challenged.

Senator HATFIELD. Thank you, Mr. Chairman. I see my red light.

The CHAIRMAN. Senator Bumpers.

Senator BUMPERS. Chief Robertson, you state in your testimony generally that you think the planning process as set out under the National Forest Management Act is working reasonably well. At least, that is what I infer from your testimony. If you had an opportunity, we make you king for a day, do you have any suggested changes that you might make for this committee to consider, these two committees to consider?

Mr. ROBERTSON. Well, as you point out, I do not know of a better way to do it than go through the National Forest Management Act planning process. I think the implementation is the problem. Now, Senator Packwood has introduced a bill that would streamline the court proceedings dealing with implementation of forest plans. And we have not taken a position on his bill, but I think he has some points in there that we could work around in order to protect people's constitutional and democratic rights but also not prolong this thing forever.

Senator BUMPERS. Does it shorten the appeals process more than anything else? It does not cut off any appeals, does it?

Mr. ROBERTSON. It does not cut off any appeals, but it streamlines the court proceedings.

Senator BUMPERS. The process.

Mr. ROBERTSON. Yes.

Senator BAUCUS. It cuts off one level.
Senator HATFIELD. It does cut some.
Senator BUMPERS. What layer does it cut off?
Senator MCCLURE. It bypasses the district court.
Senator BUMPERS. I am sorry?
Senator MCCLURE. It bypasses the district court.
Senator BUMPERS. Goes straight to the Court of Appeals?
Senator MCCLURE. Right.
Senator HATFIELD. You have your administrative appeal now, as you know, and you have your district court appeal.
Senator BUMPERS. This does not cut off any of the administrative appeals available right now; does it?
Mr. ROBERTSON. No.
Senator BUMPERS. How do you feel about that, Chief Robertson, cutting out the district court level? I do not want to put you on the spot. You just stated that the Forest Service has not taken a position.
Mr. ROBERTSON. No, we have not.
Senator BUMPERS. Could you get us a position on that shortly? I think both the committees would really be interested in your feelings about that? We are certainly going to hear from the other side on it.
Mr. ROBERTSON. Right. Yes. In fact, we are working with Senator Packwood's staff now on some questions they have and how that might work. Again, I am not taking a position on that because we have not sorted it out.
Senator BUMPERS. I am not asking you to.
Mr. ROBERTSON. But streamlining and putting some time constraints on the judicial process would certainly help shorten this period of time. We might not change the decisions, but it would not have us in limbo for so long.
Mr. LEONARD. I might add that there are some forest management decisions where a failure to make a decision, timely decision, is a decision in itself. When you have a fire that kills a lot of timber, if you cannot get a decision implemented, then that timber goes to waste. If you have an insect epidemic out there, if you cannot take timely action to control it, you have made a decision to let it go uncontrolled.
Senator BUMPERS. Are there no exceptions under existing law that give you some discretion in dealing with that?
Mr. LEONARD. None directly. We have been successful in getting some agreement with counsel on environmental quality for shortening up the environmental impact statement process, but we have nothing under existing law that shortens up the judicial process.
Senator BUMPERS. Well, I certainly would favor doing something to allow you to deal with those situations, and I think every person around this table would. Chief, September 8 of last year, you sent a memo to the regional foresters, station directors, and your Washington office staff, and here is what you said. That the Forest Service employees are to "Reduce clearcutting when other alternatives will meet land management objectives," and you further urged your staff to expand their knowledge and understanding of other silvicultural practices in order to meet multiple use mandates.

Now a year has passed since then. My question is: has the recommendations in that memo been implemented, and if so, how and at what level?

Mr. ROBERTSON. Yes, that memo is being implemented by our field staff. I think you will see areas where we are relying more on something other than clearcutting and selective harvesting. And probably even more than that, though, is the kind of clearcutting we are doing. You know we used to go in and just clearcut everything. I was in Texas last week, looked at some areas we had been harvesting. We are leaving the trees, hardwoods around the streams, the riparian zones. We are leaving a lot of hardwoods out in the areas we are harvesting. And a clearcut, now, in many of our national forests don't look like a clearcut used to.

Senator BUMPERS. The Wilderness Society is going to testify here in a little bit that we have been clearcutting about 440,000 acres a year. And would you agree with that?

Mr. ROBERTSON. My latest figure shows a little over 300,000.

Senator BUMPERS. I take that back. The Wilderness Society is going to testify that is what the plans call for. Is that a correct statement?

Mr. ROBERTSON. I do not know, but I can tell you this. A lot of plans have been appealed on the clearcutting and even-age management system, and I am remanding a lot of those plans to be redone, and your home State of the Ouachita National Forest is one of those asking them to take a much harder look at whether we can manage that forest through something other than even-age management, and I think as you well know, we will be reducing the amount of clearcutting on the Ouachita National Forest, and there are other forests, North Carolina and others, that I have remanded the plan to take a more serious look at that.

Senator BUMPERS. I appreciate that very much. Just one final question. There is a forester named Jeff DeBonis. I am sure you are familiar with him.

Mr. ROBERTSON. I know who is he. I do not know him.

Senator BUMPERS. He is a forester, and he sent you a long letter, and in it he said our basic problem right now is that we are much too biased toward the resource extraction industries, particularly the timber industry. We support their narrowly focused, shortsighted agenda to the point that we are perceived by much of the public as being dupes of and mere spokespeople for the resource extraction industries.

We are overcutting our national forest at the extent of other resource values. We are incurring negative cumulative impacts to our watershed, fisheries, wildlife and other noncommodity resources in our quest to meet our timber targets.

On every forest I have worked on, I can give you numerous on the ground examples of getting the cut out at the expense of other resource values. How did you respond to that letter?

Mr. ROBERTSON. I did not respond.

Senator BUMPERS. You did not answer it?

Mr. ROBERTSON. I have not answered that, and I probably have been remiss in not doing so. But quite frankly I just had not focused on that letter, and my staff did prepare a couple of letters to respond, and it did not address his issues, and I just did not want

to sign them, and I have not personally set down to respond to that.

I guess the best thinking we have had in regard to Jeff's comments is my prepared testimony. I have submitted a 29 page prepared statement for this hearing, and we are dealing with a lot of those issues that Jeff, some of those issues, I will say, that Jeff has raised. So I think I will write him a personal letter and attach a copy of my testimony for this hearing, and say you have raised a lot of issues that I have addressed in my testimony. I do not agree with you on all of them, but here is where our thinking is on issues that you have raised.

I do not agree that we are ruining all these other values out there due to timber harvesting. I think we are very careful in what we do. People who just do not want to harvest timber may have that perception. But I do not agree. In fact, I probably should not say this, but I get criticized by the timber industry about as much as I do the environmental groups.

Senator BUMPERS. Well, I think that is the way it ought to be. I think it ought to be even about that, and I think your testimony here today reflects why. And I think you are doing a pretty good job. And you know, I have the same problem you do. I have a lot of environmentalists, and I have a lot of timber industry in my State. I have to meet that same balance. I have to worry about the jobs and the economies that these fellows from the Western States, maybe not the same magnitude, but the same problem.

Mr. ROBERTSON. That middle ground is awful lonely. I can tell you.

Senator BUMPERS [presiding]. I would rather be manager of the Little Rock Country Club than to have your job. Senator Bond is not here, is he? Senator McClure, you are next on this list.

Senator MCCLURE. Thank you very much, Mr. Chairman. Let us return for a moment to one aspect of the problem which confronts you now. I do not disagree at all with your conclusion that the planning process is tough in the implementation stage, much more than it is in the formulation of the plan, although it is hard sometimes to completely segregate those issues. What are the administrative costs to proceed through the appeals process to date?

Mr. LEONARD. Can we furnish that for the record?

Senator MCCLURE. Yes, could you please.

[The requested information follows:]

When the Forest Service conducted an agency review of the appeals process, we determined it cost $16 million to administer the Forest Service appeals process from 1984-87. This amount was for direct costs only.

Senator MCCLURE. I would like to have some idea, from your perspective, what the administrative costs, additional administrative costs, you are paying and incurring every day as a result of the appeals process?

Mr. ROBERTSON. It is significant. I cannot give you the exact amount, but I know on a lot of timber sales we are spending as much or more time dealing with the appeals as we are actually going out and doing the work and making the timber sale and preparing the environmental analysis. So, in many cases, it is dou-

bling our costs. That complicates the so-called below cost timber sale issue, and it is really putting us in a hole.

Senator McCLURE. Well, one of the significant things that came out through hearings, during this last year, was that your sales preparation program is lagging badly. We tried to respond to that in the appropriation process by providing more money so that you could catch up with that planning process. As I recall, you had as a goal 100 percent of your planned sales program prepared before the beginning of the calendar year when you were down to less than 50 percent.

Mr. ROBERTSON. About 50 percent.

Senator McCLURE. That is also a cost of the appeals process, is it not?

Mr. ROBERTSON. Yes, it is. The lawsuits, and really court interpretations, have kind of ever-rising standards of what we have to meet. So because we have a lot of work already done, we are having to go back and redo so much work in order to meet the new evolving standards.

Senator McCLURE. And whenever you have an appeal that raises one of those basic issues and determines it in the court, then you have to not just redo that sale, but you have to redo all the rest, or that plan, you have to redo all the rest?

Mr. ROBERTSON. Yes.

Senator McCLURE. I will submit some specific questions that I hope in your submission for the record you can respond to each of those. Are minerals considered a multiple use under the planning process, and have minerals received equal consideration with other multiple uses?

Mr. ROBERTSON. I think reasonably so. Now the mining industry will disagree with that, but I think in most plans we have.

Senator McCLURE. How much revenue is returned to the Treasury from recreation?

Mr. ROBERTSON. $25 to $30 million, I believe.

Senator McCLURE. And what are your costs associated with recreation?

Mr. ROBERTSON. Well, over $200 million.

Senator McCLURE. It is below cost?

Mr. ROBERTSON. Yes.

Senator McCLURE. Wildlife?

Mr. ROBERTSON. Our budget for wildlife is $81 million for 1990.

Senator McCLURE. And what does it return in direct receipts to the Treasury?

Mr. ROBERTSON. None. There are a few States that charge extra for the hunting license like Virginia and New Mexico, but that goes to the States to do habitat work on the national forest. So——

Mr. LEONARD. None to the Treasury.

Mr. ROBERTSON. None to the Treasury.

Senator McCLURE. The same thing would be true of your fisheries and wilderness management?

Mr. ROBERTSON. That is true.

Senator McCLURE. In other words, these activities are below cost activities?

Mr. ROBERTSON. Yes.

Senator BUMPERS. I would say so. $81 million with no return.

Senator MCCLURE. Obviously the reason I ask the question is that there is a great deal of comment about timber management which gets overemphasized; and because some of them are below cost, they ought to be cut off. If that is the test, we cut off an awful lot of the activities of the Forest Service. And I think we need to keep in mind that, indeed, about the only activity that I can see in government which yields a surplus back to the Treasury is the utilization of resources on the public lands. About the only place I know of where if you cut expenditures on the Federal side, you actually decrease revenues to the Government to the extent that you have increased the deficit. By cutting expenditures you increase the deficit on many of these activities on public lands.

I am intrigued by one cross-effect, and this will be my last question, Mr. Chairman. You are talking about what is happening with clearcuts and, Dale, I would say to you I do not disagree. I have said for years that public reaction to clearcut may cause gross reduction in fiber removed from the forest because you will be permitted to do less of it.

And I would encourage the trend, and have for years tried to encourage the trend toward more selective cutting and more mixed-age management rather than single-age management. But there is another effect as you apply one constraint under NFMA and that is diversity. When you look at the effects of the diversity requirement with the pattern of clearcutting, the interaction between those two, one activity and one constraint, is the single largest constraint on timber in places like the Idaho Panhandle National Forest. It is over 80 million board feet of ASQ just because of the interaction between those two.

I am not at all certain that I can tell you that I know that if we somehow managed to reduce clearcutting that the diversity question would not also impinge upon ASQ because I think it would. But I do not know whether you have any comment that you could make with respect to that or not. Is there something we can do to reduce the impact of that constraint?

Mr. LEONARD. On all these issues there are no simple answers. As certainly some of our current research suggests that in terms of the total diversity of management the direction to go to simply a lot of small clearcuts while it benefits deer and some of the other game species, it worked to the disadvantage of some of those species that dwell in the interior portion of the forest. And that research would suggest that we ought to move toward large units. It also suggests when we do clearcut we ought to incorporate certain portions of the structure of that stand that we are removing and leave them there in place to add structure to the stand we are reestablishing, and that is why we are leaving some green trees on cutting units. We are leaving snags. We are leaving more slash than we used to.

But none of these come free. If you leave green trees that are remnants of the prior stand, you are leaving a source of disease infection because in many parts of the West, for example, those stands that are there currently are infected with dwarf mistletoe. So you are leaving a source of dwarf mistletoe infection with the potential of reducing long-term growth. We started eliminating snags in the forest in the 1920's because we recognized the difficul-

ty of controlling fires when you had the dead snags near your control lines, and they would throw sparks for miles.

So we cut snags. Now we are beginning to retain those snags but with some increase in the difficulty of control. So it requires some difficult decisions as to where you can leave those snags to make it safe for the logger to get working under them and to give you some ability to control fire. So there is always trade-offs back and forth as you make those choices. As we go to bigger clearcuts, if we move to 40 acre clearcuts to very large clearcuts, we are going to have some significant impacts on the aesthetics of the operation of those areas. And yet there is going to be some of the biological diversity that probably will be enhanced by that.

So we have to make those choices along the way. I think you are absolutely right that those kinds of decisions and constraints and certainly the diversity constraint trades off directly in terms of the productivity of those forests.

Senator McCLURE. Mr. Chairman, I will have some other questions in the second round.

Senator BUMPERS. Certainly. Senator McClure, just as an aside, it is interesting that when I was Governor of my State the conservationists were adamant about clearcutting, but there was no concern in the State. I mean they were all alone out there talking about clearcutting. All of a sudden about 7 or 8 years ago, one of our big timber companies did a lot of clearcutting on a heavily traveled highway between Little Rock and Hot Springs, and everybody thought it was the Forest Service doing it.

And all of a sudden there was just a firestorm, and it has not let up until this day, and now the mail I get is about 10 to 1 against clearcutting. I guess that is one of those perverse ways of achieving a result.

Senator McCLURE. Well, the public does react. And the public reaction does change the management concepts, which are tolerated as a matter of public policy. And I think the Forest Service needs to be aware of that, and I think all of us need to be aware of that. We can scarcely escape it. I could not help but think when you are talking about leaving those snags, a personal recollection on my own part is without affection for that because I was on a fire crew where my job was felling the snags.

And anybody who has ever swung an ax at a burning snag understands exactly what happens to the people down below. It is not the most pleasant job you can ever have.

Senator BUMPERS. Gentlemen, I am going to have to run to the floor for a minute, but our questions will run in this order. I will turn it over to Senator Hatfield and let you continue. Are you going to be here for a few minutes? Our questioners will be Senators Burns, Baucus, Murkowski, and Wallop in that order. And I will try and get back as quickly as I can.

Senator Baucus will chair in my absence. If you all will watch this green light and bear in mind, we have two panels after the Chief has gone.

Senator BURNS. We will. I want to associate my comments with those of Senator McClure's because I was going to say those snags worked in real handy at Trail Creek, Tangle, and Edith Peak, because they burn off like cigarettes on the bottom, and we can them

widow makers on fires. I do not know how handy. We should keep a lot of those things around. I realize we have an overpopulation situation.

I guess it breaks down to common sense, and I would iterate that probably if we managed our farm, and we allowed the American public to manage our farms and ranches, we would run out of food in this country. And I have a feeling what would happen if—and it was pointed out here—that Senator McClure, if we just shut down everything, if we did not harvest any timber in this country at all, none at all, in the next year what impact would it have on this country? And I mean on all ends of it. And maybe we should do that.

I would like to congratulate the Forest Service, number one, because I had the opportunity to fly to Yaak the other day. We do not emphasize enough how good a job you are doing in the regeneration of that forest up there on some of those clearcuts. All people have to do is go up there and see how that forest is coming back, and really realize that this a renewable resource. The forest plans, once implemented, I think, will show that up. We just have not had enough time. But Senator Wirth, these forest plans just did not come along. They have been in effect 13 years, and that is not very long in the life of a forest. But in the Yaak up there, we wanted to harvest some pine beetle diseased trees, and of course, we were shut down on that even to get those diseased trees out of there.

They are not worth anything. We have to get them in about what—2 or 3 years—or we lose them entirely. Could you just bring me up to date? Does the forest plan, do they make any allowances for those kind of situations where we may have to harvest where we did not plan to harvest before?

Mr. ROBERTSON. Well, we have in the forest plan areas where it is suitable for timber harvest. It is part of our timber base that calculates our allowable sale quantity, and if we have salvage in that area that is no problem. We also have areas outside, what we call our timber base, and most plans have a provision for going in and salvaging timber if it is not in wilderness or some areas where we cannot harvest.

Senator BURNS. How much do you get blamed for practices of owners on private land?

Mr. ROBERTSON. A lot. I see a lot of pictures of national forest management that is simply not national forest management.

Senator BURNS. I think that point should be brought out in this hearing—that there have been some sins on some private lands, and yet we get blamed for them over on the management of our public lands—and I just want to bring that out. Can you give me any detail as just what the accomplishments are in the Forest Service during the past 3 years in my State of Montana, which is district [region] 1, to bring those sales up? In other words, have we just quit offering sales up there, afraid of appeals or whatever?

Mr. ROBERTSON. No. What we are doing, and I am worried about Montana in that regard, but we have had some court cases in interpretation of NEPA. And we have lost. And especially going into roadless areas. We had a lot of timber sales that were ready to go, but with the new interpretations of the courts on NEPA, our envi-

ronmental analysis would not pass the muster. What we have done is we have asked our people in Montana, and incidentally a lot of our timber sales, if we are going to have a timber sale in Montana, the program has got to come out of roadless areas because so much of it is roadless.

So we have asked our folks to go back and redo their environmental analysis, and in fact, in roadless areas, it is pretty clear now we have to prepare an environmental impact statement on most of those before we can go in and harvest timber. So we are in this period of time, of our people in Montana, they are recycling and redoing the environmental analysis on those timber sales so that we can pass the tests of the courts on NEPA.

Senator BURNS. I have two or three other questions, Mr. Chairman, but I will, in the interest of time, yield the floor.

Senator BAUCUS [presiding]. Thank you very much, Senator. Chief, I was a bit surprised to hear the thrust of your testimony that you think basically the National Forest Management Act is by and large working, if I get the major thrust?

Mr. ROBERTSON. Well, the major thrust there that the planning I think is OK. It is being able to implement that plan once you get the plan done.

Senator BAUCUS. Because really I think for most people it is the results that count. I mean there is a lot of theory around here, and I think most people really care more about the actual results in determining whether it works or not. They will think it is deeds, not words, that really count here.

Mr. ROBERTSON. Yes.

Senator BAUCUS. What, and I say to you I was a bit surprised, because, at least from my perspective, it is not working. That is, the results are not appropriate. And the evidence I have is, first, that is the impression in my home State in Montana. People just think it is not working. Evidence of that are these green signs that are popping up all over Montana. They must be there for a reason.

In addition to that, Senator Hatfield mentioned statistics in his region. As you well know, in the Flathead in Montana the plan is for 100 million feet, and we are only going to cut maybe 25 to 30 million. And that is not unrepresentative of a lot of problems in other forests around the country.

And I do not have the exact figures. I guess I do have them. Since 1976, I understand that of the 123 plans, say 97 are completed.

Mr. ROBERTSON. Yes.

Senator BAUCUS. And some of these plans are going to come up for review not too far down the road, and there is no assurance that I can see that the delays that we experience in getting some initial plans adopted are also going to apply in trying to get some of the plans renewed on down the road.

And further, we are now seeing riders to appropriation bills. You know, spotted owl is one. The Yaak in Montana is another. That to me is evidence that something is not quite right. In order to resolve some of these issues, we are now resorting to riders on appropriation bills to try to reach some resolution. In my personal opinion—and I think it is the view of many others here—if we look at the

results, the NFMA is not working quite as well as we had hoped that it would when it was earlier enacted.

So the next question is what do we do about it, given the assumption that there is room for improvement? It seems to me that there are a lot of areas for improvement. When I ask the General Accounting Office to do a study on appeals, asking why there are so many appeals and what is the root cause, they concluded that a lot of delay in timber supply, or shortage of timber supply around the country, is in part because the Forest Service has been told by, at least in the West, the Ninth Circuit Court of Appeals, that it has not been following the law.

And you alluded to it. I think of the last 15 appeals the Forest Service has contested before the Ninth Circuit, it has lost all 15 on NEPA, Endangered Species Act or whatever. So GAO said, well, one reason for the timber shortage is because the Government just is not following the law as interpreted by at least the Ninth Circuit Court of Appeals.

Now maybe the law should be changed, but today law is as interpreted by the Ninth Circuit.

Mr. ROBERTSON. I think what we have is evolving case law.

Senator BAUCUS. That is part of the problem. In addition, I understand that appropriations have been cut back somewhat over the last several years. Senator Hatfield could speak to this much more clearly than I. At least there has not been quite the manpower and the resources within the Forest Service to process a lot of the plans and decisions as actions which has also been a further problem.

And also there is sort of a chilling effect within the Forest Service administratively that is because of the Ninth Circuit decisions, at least in the West, the Forest Service is now slowing down to make sure it gets all the i's dotted and t's crossed and that is a further chilling, inhibitive effect on these plans.

Mr. ROBERTSON. Yes, that is very true.

Senator BAUCUS. So, again, we come back to the solution. And I really do not know what the solution is. Senator Packwood has a bill which addresses appeals. I understand that is part of the problem, and I understand and agree with the main thrust of what he is trying to accomplish. But are there not other problems here? I mean help me out a little bit. I am just trying to find some ways or some suggestions you might make to us. And as you address that, let me make one other observation. You seem to be beat upon by all sides.

Mr. ROBERTSON. That is an accurate assessment. Yes.

Senator BAUCUS. I appreciate that. And we also are trying to get more certainty here, it seems to me. And when I heard you react to one of those questions indicating that point, I am reminded of another area that we are trying to find solutions, and that is the environmental area under the Clean Air Act. I can tell you that time and time and time again State administrators, you know the clean air administrators of the States, come to the Congress and say we do not want discretion.

We do not want to be given a lot of latitude. Tell us what to do. Because if you give us a lot of discretion, a lot of latitude, first of all, nothing happens because everybody is banging on us all the

time, and under the present litigious nature of our society, everybody has appealed and back and forth and so forth, and also it causes delays and uncertainty. So let me ask you, do you think that perhaps some of this could be solved if the Congress took away a little of your discretion? And as we in the Congress work out what we think some of these answers should be and give you a little less discretion so that we can get some more timely solutions on the merits?

Mr. ROBERTSON. I do not believe that would be helpful.

Senator BAUCUS. Why not?

Mr. ROBERTSON. Well, you know, air is air. You know there is a lot of commonality with air around the world, but you know we manage 8½ percent of the United States scattered throughout 43 States, and I am a firm believer to leave a lot of discretion to local Forest Service people working with local people. And we have to adapt and adjust to the diversity in the national forest and not only the forest itself but the people around it and what they expect out of it. And I am not a great one for hard and fast policy decisions out of Washington that just kind of puts all of those national forests in the same——

Senator BAUCUS. Yes, I think we all——

Mr. ROBERTSON. I think the success of the Forest Service is in the long term. There are other people, but if we do not have good rapport and good relationships with the local people, that live in and around the national forests, and they are dependent on it, you know nothing is going to work much. And I do not want to mess that up with a lot of hard and fast decisions out of Washington.

Senator BAUCUS. I hear you. I hear you. My time is up. Senator Murkowski.

Mr. LEONARD. Senator, could I make a couple of observations?

Senator BAUCUS. Sure.

Mr. LEONARD. First, the biggest problem that we have had in plan implementation has related to NEPA. And we can excuse some of that by the evolving nature of NEPA and what not, but as we talked about in the hearing on appeals, some of the problems have been Forest Service performance. We simply have not done an adequate job up-front of complying with NEPA and we are making a real effort in that regard. We have training sessions all around. We brought all of our line officers into those training sessions to try to get up on top of this issue, but frankly Congress ought to hold us responsible for full compliance with NEPA in the long run.

Senator BAUCUS. Thank you. My time has been up, and I apologize to the rest of my committee.

Mr. LEONARD. But just one other observation if I could.

Senator BAUCUS. OK.

Mr. LEONARD. Excuse me.

Senator BAUCUS. One sentence.

Mr. LEONARD. OK. That is that in a democracy when you have firmly held views, you never resolve an issue with finality. And we have seen that as it relates to wilderness areas. That the Congress has acted and resolved it, but people who have firmly held views come back to the table, and I do not think we are going to resolve

some of these fundamental differences about whether you have commodity or amenity uses on these forests with finality.

Senator BAUCUS. Thank you. Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman. There seems to be some differences of opinion on the reason for the timber supply shortage, a Forest Service subject of lawsuits and appeals. I am curious to know in your professional opinion, what effect, if any, that these lawsuits have had on your timber supply through 1988? Volume of timber cut and sold?

Mr. ROBERTSON. Well, basically, up until this year, I should say 1989, the Forest Service has been able to maneuver and drop sales, pick up sales that was in the pipeline and substitute, so that we have not had a fall down in meeting our timber sale target until 1989. I think there was a small fall down in 1988. But what has happened is we have lost so much of our pipeline that we have lost our flexibility. If this sale gets appealed, or in a lawsuit, come on over here and pick this up and pull it forward. And we have lost that flexibility.

Senator MURKOWSKI. So you are saying, before you had the flexibility up until 1987 and then after that, why you were in so many more lawsuits and so many appeals, you did not have the flexibility? So that is your explanation currently for being partially unable to come up with the availability?

Mr. LEONARD. And it is an accumulation of not only appeals and lawsuits which have had a major impact, but the timber buy back itself removed a whole bunch of volume that had been under contract from being under contract, and therefore brought down the flexibility of the industry. It brought down the volume that was sold and under contract to levels where then our inability to meet a sale goal directly impacts the mill because they do not have any cushion.

Senator MURKOWSKI. I understand. The uniqueness of the contracts which we have in Alaska, the 50-year contracts with the two pulp mills, they are obviously different than we have in other areas. And as you know, there are 15 years on one of those contracts and 18 years on the other. You are also aware that there is legislation to cancel the contracts.

Mr. ROBERTSON. Yes.

Senator MURKOWSKI. What, do your attorneys tell you, is the potential cost to the taxpayer of the cancellation of those contracts?

Mr. ROBERTSON. Well, they have not given us an estimate, but they are very, very worried about the damages that the Government would suffer on that, and especially as it relates to those two pulp mills.

Senator MURKOWSKI. I assume, what is it, full employment for the attorneys, in the sense of going back and trying to figure out the loss of revenue? How does it move into secondary areas in the sense of what happens to a person who has his house paid for, and it was worth $50,000 and with no pulp mill it is worth $25? Is that a secondary responsibility of the Government or is that one of those things that you litigate?

Mr. ROBERTSON. Well, we would probably litigate that one.

Senator MURKOWSKI. But do you have any prescription, currently, for evaluating what the liability would be to the Federal Government, or can you provide those figures to the committee?

Mr. LEONARD. We have never been in a situation where we have canceled contracts that were fundamentally tied to major processing facilities. So we really do not have experience. Where we have canceled contracts, where it did not go directly to the operation of a mill and what not, we deal with such things as out-of-pocket costs that they have, but also foregone profits, potential profits.

Senator MURKOWSKI. OK. We will just leave it out there for the speculation.

Mr. LEONARD. Well it is hundreds of millions of dollars is what we are talking about.

Senator MURKOWSKI. Let me ask you this. If the legislation passed which would cancel those contracts, could the Forest Service provide a stable supply of timber for those mills to meet their obligations?

Mr. LEONARD. Well, we would certainly try, but you know the experience has been that when a contract is canceled then the reasons for not classifying areas as wilderness go away and we lose the ability to manage those lands. Certainly that was the experience with the Juneau unit timber sale that was on Admiralty Island when——

Senator MURKOWSKI. That was the third pulp mill which was conceived and never resulted because the area went into wilderness.

Mr. LEONARD. Never went. Within a very short time after the contract was terminated by agreement of the parties.

Senator MURKOWSKI. This brings me to the point of—the reason I am cutting you off short is because there is limited time, and my colleagues obviously want questions too. But the Senator from Oregon brought out the concern over what can you count on from the standpoint of commitments made with regard to land designations; and of course, you are very familiar with the situation in our State, where out of the 5.4 million acres of commercial timber, we have set up 1.7 million acres in wilderness in perpetuity.

We have another 1.7 million acres which sustain the industry on a 100-year cycle, perpetual yield theory. And then we have 2 million acres which are closed to logging for your study, the TLMP (Tongass Land Management Plan) study which is going to be out some time next year. Yet we are proceeding with proposed legislation that would redesignate substantial land areas. I wonder, in view of what I am told, what is a figure that represents a designation of 737 million acres of forest land in the United States with only 315 million acres available for timber harvest or 41 percent, and if that corresponds to a policy within the Forest Service. Because we in the State of Alaska, as you know, out of 5.4 million acres of commercial forest land, have only 1.7 million acres available for a harvest of about 33 percent of the total area. Is there any relationship in those figures, or is just the way it is?

Mr. ROBERTSON. That is kind of just the way it is. That is total acres. That is 700 and some odd million acres. That is total acres with trees on it, and a lot of that is not commercial forest land like the Pinion, Juniper and that sort of country.

Senator MURKOWSKI. OK.

Mr. LEONARD. If you look at the total National Forest System, there is 191 million acres. And our expectation is that when the forest, current forest plans are all completed including the 25 that are not yet completed, that the area that is designated as suitable for timber protection, and on which the allowable sale quantity is calculated, will be about 58 million acres. So 58 out of 191 is something less than a third of the area will be planned for timber production.

Senator MURKOWSKI. I'll ask my last question, and I appreciate it, Mr. Chairman. I assume you gentlemen agree that the study which you are doing, which is the first evaluation that you have done for the second time on a forest, is very important professionally from the standpoint of designations of land within the Tongass. Would you recommend that that process be completed before Congress moves into any legislative designation?

Mr. ROBERTSON. Exactly. That has been the position of us, and the administration, is that the legislation on the Tongass is premature. And we should wait and get the results of the forest plan with all of the public involvement before Congress passes that bill or any bill.

Senator BAUCUS. Thank you, Senator. Senator Wallop.

Senator WALLOP. Mr. Chairman, let me just begin by saying to you, Dale, thank you very much for your service here. I remember some times when you agreed with me and made me happy, and I remember other times when you disagreed with me and made me sad. But you have always given me a fair hearing, fair access, and I have no quarrel with the fundamental ways in which you have been managing the Forest Service.

Mr. ROBERTSON. Thank you, Senator.

Senator WALLOP. I would also like to make the same observation that some people never lose their purpose. We negotiate in good faith with the Governor of Wyoming, with the environmental groups and everybody else in the Wyoming wilderness bill, and the purpose of it was to put into wilderness, in permanent status of wilderness, that which belonged in there and to release that which was being managed as wilderness for multiple-use management. That has not been the case. They have continued to challenge that which was released and try for the Forest Service to manage it as wilderness. They have reneged on their word uniformly and consistently, and it has not been altogether surprising, but it has been the case.

The more important part of it is that even when you have your forest plan, it is contested, and then when you get the sales under the plan, they are contested. So it is a never-ending stream of legal challenges available to people, and I think one thing we must do, sooner or later, is make it possible for the Forest Service professional managers to manage. At some moment in time, the game has to be over. I believe that any lawyer with a certain amount of money can make case law evolve, and you are the victims of it. We see it.

And it is obvious that you go from this major celebration in Yellowstone last year where you have people saying "burn, baby, burn," and celebrating the fire to the point where you cannot cut a

single tree in a old-growth forest, because an owl lives there. Anybody who can make those two points consistent in the public's mind is able to do that with a lawsuit. I mean it is just going to be the way it takes place.

My guess is that the fundamental purpose of most of the environmental groups, conservation groups, is to stop commercial activity on the public lands. My guess is that the reason they did not want to have timber hauling through Yellowstone is not because they had any objection to clearing up the snags but because somebody was going to make some money off of that salvage. Forest sales were involved in that inability to transport across Yellowstone even in moments of low human presence.

I guess what I do not expect to come from this hearing, but would hope would come from this hearing, is some kind of a recommendation that would be developed jointly between the Congress and the Forest Service as to when in that process we could declare it complete. I mean, you know, the appeals through the planning process or at some moment in time, there has to be a way in which the purpose for the original reservation of public lands can be fulfilled. And I think people have lost sight of that, that they did not want all the public lands to be in the hands of single interests. They did not want it all in one timber operation or one cattle operation or one mining operation. They wanted to have multiple use because that developed the multiple bases of our economy, gave our communities some resilience. When it was not so good for the livestock industry, the hope was that it might be good for some minerals or some timber operations or some other commercial operations.

Dale, do you have a recommendation for at which point that would stop?

Mr. ROBERTSON. Unfortunately I do not. You know it is getting into a kind of a delicate area here about really judicial review, and I previously said that Senator Packwood has introduced a bill which would streamline the judicial proceedings. We have not taken a position on his bill yet, but I think it is maybe a workable idea that we could work around and try to make something that would be workable and strike some kind of a reasonable balance here.

Senator WALLOP. Well, the fact of it is, is that recreation is incredibly important to the American people—no quarrel. But, so too is grazing important to certain communities and certain Americans. So too is resource development of timber or minerals. It is not only important to communities, but to our States.

And I do not think that they have to exist in more than just ordinate tension one with the other.

Mr. LEONARD. You do not have to make either/or choices.

Senator WALLOP. No, I do no think so. In fact, when you have a timber sale, the road that is built there is charged to the sale, but if it has ultimate recreational benefits or management benefits from the standpoint of the Forest Service, it is still charged to the sale. My plea for the groups which are going to testify, is to find some way to accept the fact that there is more than one interest which ought to be at work in these forests, and that wildlife interests are important. So, too, are the commercial interests.

Mr. ROBERTSON. I think that is a very important point, Senator. I mean I deal with all the interest groups, and I have yet to deal with one that represents a broad interest. They are dealing with a very narrow interest. And it's hard to take a conglomerate of very narrow interests and sit around the table and arrive at some kind of a balance. I do not know how to do that but somehow we have to, the American people and our Government has to figure out how to deal with these special interest groups that do not represent the broader interest and yet they tend to be very dominant.

Senator WALLOP. Well, I just would say, Dale, just as an observation, I remember early in my career and I would go do it again, I went down to the Rocky Mountain Oil and Gas Association meeting in Denver and told them they were fools to break their picks on exploration in the wilderness area. There were more important areas. I think everybody at this table has at one time or another confronted everybody in the interest groups. It is just that we need some flexibility on the part of some of those that are to follow to try to see to it that all our interests are accommodated.

Senator MCCLURE. Mr. Chairman, I have just a very brief second round, if I might? I will be very brief because I do know we have two other panels, and I want to get to them, too. I guess if there is one thing that has surprised me in the testimony up until now is your assertion, or your feeling, that, indeed, the planning process works pretty well; it is only in the implementation that we have a problem. That may indeed help us focus on the process as it deals with implementation and whether or not we can change that. But I want to back up just a moment and test your thesis, because if I recall correctly, a lot of the appeals that have been successful in the planning process challenge your fundamental ability to answer questions required by NEPA.

And if I recall correctly, you have told us in this hearing and in other hearings as well, that court challenges keep changing the standards which you are instructed to meet. If indeed the court process in the planning cycle changes the basis upon which you must make your plans and therefore justify them, is there not then also a problem in the planning process?

Mr. ROBERTSON. Yes, in that regard. We have had a terrible time trying to mesh National Forest Management Act planning with NEPA. And that has been a very rough road in trying to figure out that relationship, and it is through a series of court cases that has kind of laid that out, which makes it a very comprehensive, complicated process.

Senator MCCLURE. Is there anything that we can do in terms of legislation that would make that less complicated, more subject to certainty in your process and in the review by the courts; or would we by legislating simply lay the groundwork for a whole another set and cycle of appeals to determine what it was we meant when we clarified it?

Mr. ROBERTSON. There is always that risk. I think, though, it might be helpful to clarify the relationship between the National Forest Management Act and the National Environmental Policy Act and clarify that in some kind of a reasonable sort of way that we can deal with. Now we are dealing with it, but we are doing it under case law and it is very complicated.

Senator McCLURE. And very, very time consuming.

Mr. ROBERTSON. Yes.

Senator McCLURE. Thank you.

Senator BAUCUS. Mr. Chairman, one quick question if I might. Chief, you mentioned that you are a little concerned about putting up timber sales in unreleased, roadless areas. In fact, Mr. John Wilmoth, region 1 in Montana, said when I asked him a question at a hearing whether passage of RARE II/wilderness bill that, in fact, releases about 99 percent of the timber from the base would help him in drafting foreign plans so that we can get on with deciding which acreage is wilderness, which is not, which areas can be put up for sale or not.

So let me ask you, would not passage of such a bill which, in fact, releases 99 percent of the timber, which excludes 99 percent timber from wilderness so it is therefore available, would that not help alleviate some of the timber supply shortage?

Mr. ROBERTSON. Yes, it would help a lot in terms of removing one issue what is to be wilderness and what is not to be wilderness. It does not help any in Endangered Species Act.

Senator BAUCUS. That is correct.

Mr. ROBERTSON. Water quality.

Senator BAUCUS. But it does help remove one problem?

Mr. ROBERTSON. Yes, and that is a big problem to get over.

Senator BAUCUS. Thank you very much.

Senator HATFIELD. Mr. Chairman, could I follow that up, and ask for a brief summary? Since the last planning process was RARE I or RARE II, would you summarize that for us, for the record, the time factor, the costs, and how many acres were actually finalized in terms of classification as wilderness and how many have now been returned to true multiple use?

Mr. ROBERTSON. And actually having been developed?

Senator HATFIELD. Yes.

Senator BUMPERS [presiding]. How long is this answer going to take?

Senator HATFIELD. No, I say for the record.

Senator BUMPERS. Oh, for the record.

Mr. ROBERTSON. Right. Fine. We can get that information, Mr. Chairman.

[The requested information follows:]

Subject: Chief's responses to Senator Hatfield's questions on pages 105-106 of transcript—RARE II.

Time to complete RARE II: 2 years. Analysis, DEIS, and release of FEIS. (Does not include followup activities and litigation.)

Cost to complete: $5 to $6 million (estimate).

RARE II inventoried acres: 62.0 million.

RARE II recommendation (administration) acres: Wilderness 15.4 million; Primitive 1.5 million.

RARE II designated acres: Wilderness 17.7 million; Primitive 1.5 million.

RARE II released acres: 30.0 million.

(Acreage figure is as of the end of First Session of the One Hundred First Congress—includes Nevada. These acres have been legislatively released to multiple-uses—ranging from retention of primitive natural characteristics to some level of development—determined in forest plans.)

RARE II remaining unresolved acres: 19.1 million.

This means either:

(1) No legislation passed;

(2) Designated a wilderness study area;

(3) Not released in any act; or
(4) Remains a further planning area.

Senator BUMPERS. Chief, thank you very much. We appreciate you and George, all of you, coming over to be with us this afternoon.

Mr. ROBERTSON. Mr. Chairman, as I said in the beginning, we are in tough times and some tough issues, and I really appreciate your and both committees' involvement and help. Thanks.

Senator BUMPERS. Thank you, Chief Robertson.

It goes without saying that at the rate we are going it is going to be a very late evening, and so I am going to be forced to insist on a strict time limitation on the remaining witnesses as well as a strict time limitation on the questioning.

So with that, our next two witnesses are Dr. Dennis LeMaster, department head, Department of Forestry and Natural Resources at Purdue; Dr. V. Alaric Sample, senior fellow of the Conservation Foundation here in Washington. Gentlemen, welcome to the committee. That is fine. Just take those two seats right there. And Dr. LeMaster, since you are the first one on my list, we will ask you to testify and hope that you will be able to extemporize or summarize your statement. Your entire statement will be inserted in the record, if you have one.

STATEMENT OF DENNIS C. LeMASTER, PROFESSOR, DEPARTMENT HEAD, DEPARTMENT OF FORESTRY AND NATURAL RESOURCES, PURDUE UNIVERSITY, WEST LAFAYETTE, IN

Dr. LEMASTER. Yes, I do, and it has been distributed. My name is Dennis LeMaster. I am professor and head of the Department of Forestry and Natural Resources at Purdue University. Before taking my current position, I was professor and chair of the Department of Forestry and Range Management at Washington State University. During the 95th Congress, I was a staff member of the House Committee on Agriculture and from 1974 to 1977 I was director of resource policy for the Society of American Foresters, the national organization representing the forestry profession.

SIX NATIONAL FORESTS WHICH THE PLANNING PROCESS HAS WORKED

The first part of my written testimony may be summarized by saying that national forest in planning is working, and I listed six national forests which the planning process has worked: the Carson National Forest in New Mexico; the Hiawatha National Forest in Michigan; the Nezperce National Forest in Idaho; the Siskiyou National Forest in Oregon; the Chattahoochee and Oconee National Forest in Georgia, and the White Mountain National Forest in New Hampshire and Maine.

NATIONAL FOREST PLANNING MUST BE MADE TO WORK BETTER

I also clearly state that national forest planning must be made to work better, that improvements in the planning process are necessary. The area in which the planning process can be improved most is to address better situations in which apparent irreconcilable differences are identified. A premise of the National Forest Management Act is that conflicts over the use and management of the na-

tional forests can be resolved through comprehensive planning using a rational, technical approach and public involvement.

PLANNING CAN RESOLVE MANY CONFLICTS—OTHERS CAN ONLY BE RESOLVED BY CONGRESS OR THE COURTS

The premise is only partially valid. While planning can resolve many conflicts, there are others in which the interests are so polarized, disagreement is so great that they currently can only be resolved by Congress or the courts. The National Forest Management Act has no mechanism, like binding arbitration for example, for addressing such conflicts. Some argue that it should have, and an amendment to the act which would provide such a mechanism is worthy of committee consideration.

I would suggest, however, that this mechanism would address effectively only a certain kind of polarized conflict, conflicts that have developed principally because of the personalities and behavior of the individuals or groups involved. It will not address major conflicts like the spotted owl-old growth forest issue in the Pacific Northwest. The stakes are too high. There are billions of dollars involved. The proper arbiter in these instances will remain either with Congress or the courts, and I for one prefer that these conflicts be addressed by Congress. By nature, court decisions tend to be too specific for the formulation of good public policy in natural resources.

LONG-TERM SOLUTIONS TO NATURAL RESOURCE POLICY ISSUES ARE BEST DEVELOPED BY THE AUTHORIZING COMMITTEES

An important caveat must be included, however. Long-term solutions to natural resource policy issues are best developed by the authorizing committees. This is what they were established for. While short-term solutions to issues are necessary from time to time and can be effectively developed through the appropriations process, it was not designed to resolve substantive policy issues in any enduring way, and it would be unwise to attempt to do so.

ENCOURAGE THESE COMMITTEES TO EXERCISE THEIR OVERSIGHT RESPONSIBILITIES

A word should be added to encourage these committees to exercise their oversight responsibilities. It is crucial to policy implementation, and unfortunately the oversight function of Congress is often ignored. For example, to my recollection, this is the first oversight hearing on national forest planning, national forest planning per se, since passage of the National Forest Management Act. And I think that lack of congressional oversight is one of the reasons we are here today.

DOES NATIONAL FOREST PLANNING PROVIDE FOR RESOURCE SUSTAINABILITY, FOREST OUTPUT CERTAINTY, AND EQUITABLE ACCESS TO THE APPEALS AND JUDICIAL PROCESSES?

One of the questions central to this hearing is, "Does national forest planning provide for resource sustainability, forest output certainty, and equitable access to the appeals and judicial processes?" The ambiguity of the question troubles me, but even more

troublesome is the certainty issue. We are dealing with forest ecosystems, and while incredibly dynamic, and responsive to management, there are limits in what can be expected of them in terms of resource yields and certainty of output. These limits have been reached in the Pacific Northwest. We may want certainty in timber output levels, but given their current level and the numerous other requirements imposed on the national forests, like the Federal Water Pollution Control Act Amendments, the Clean Air Act, the Endangered Species Act, we are very optimistic to expect it.

ANOTHER CENTRAL QUESTION

Another central question to this hearing is "What makes the planning process work for one national forest and not another?" The answer lies in part with the differences in respective capabilities of forest planners and the cooperative spirit and attitudes of the interested publics. It also lies with the different values of the resources involved. Some national forests have more highly valued resources than others and alternative uses of these resources often directly conflict with one another. For example, the Willamette National Forest contains large areas of mature sawtimber which the timber industry would like to buy. It also contains large areas of mature forest ecosystems whose existence many environmentalists would like to retain. The land areas are virtually the same. The conflict is fierce. The planning process will not resolve this issue. It is going to take Congress to resolve it.

But this does not mean there is something wrong with forest planning or the National Forest Management Act. There is no evidence that the authors of the National Forest Management Act, in my judgment, thought that it would resolve all issues concerning the use and management of the national forests, and certainly not "high-stakes" issues like the spotted owl-old growth forest issue in the Pacific Northwest, or the Tongass National Forest-economic development issue in southeastern Alaska. Specific legislation will have to be enacted to resolve these issues, for the adversaries are not going to compromise. They are not going to give up their positions. I would suggest it be done sooner rather than later and done through free-standing legislation, *not* an amendment to the National Forest Management Act, the reason being, of course, because of the apparent differences in the scope of the existing law and the proposed legislation.

STAY THE COURSE

In conclusion, I would encourage the members of the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources, to "stay the course." The National Forest Management Act is a good act. It mandated needed reform in the management of the national forests, a more comprehensive, integrated approach. The act, perhaps, can be constructively amended by removing some of its ambiguities—like the land suitability and species diversity provisions—and perhaps offering a procedure for resolution of some disputes which cannot be resolved through the normal planning

process. But I am convinced the basic spirit and framework of the act is working, is necessary, and is correct in approach.

Thank you.

The CHAIRMAN. Thank you, Dr. LeMaster.

[The prepared statement of Dr. LeMaster appears at the conclusion of the hearing.]

Senator BUMPERS. Dr. Sample.

STATEMENT OF V. ALARIC SAMPLE, SENIOR FELLOW, THE CONSERVATION FOUNDATION, WASHINGTON, DC

Dr. SAMPLE. Thank you, Mr. Chairman.

I am Al Sample, senior fellow with Conservation Foundation. I am here today to share with you some of the insights I have gained through several years of research on budget impacts on forest plan implementation both before and since my association with the Conservation Foundation.

GREATEST FLAWS OF THE NATIONAL FOREST PLANNING PROCESS

To many national forest users, especially those at the local level, the greatest flaws of the national forest planning process are:

Its failure to resolve long-standing conflicts over the use and protection of national forest resources, and the high degree of uncertainty over how a given national forest will be managed over the coming years, especially future resource outputs and conditions, despite the completion of the plans.

One of the areas engendering the greatest uncertainty in plan implementation is the lack of integration between forest planning and the budget and appropriations processes. For this aspect of the process in particular, successful implementation of NFMA through forest planning is a continuing joint responsibility between Congress and the Forest Service.

FOREST SERVICE

The Forest Service must finally recognize that its planning mandates—whether RPA or NFMA—will not necessarily lead to increases in its budget, and to begin to develop forest plans that are based upon a reasonable range of funding expectations. Forest Service planners have traditionally interpreted their responsibility as professional resource managers as being to display the ideal management regimes regardless of its costs.

After 15 years of experience with three RPA programs prepared to date, it seems fairly clear that this strategy has not worked.

With the exception of just one of the nine Forest Service administrative regions, forest plans were developed according to the same traditional model with little or no consideration of budget limitations. This has produced an entire array of forest plans based on such high cost assumptions that they almost certainly not be carried out as written. The ranchers, loggers, hikers or elk hunters who look to the local national forest for their livelihoods and recreation are not interested in planning philosophy. They have made tremendous investments of time and energy in the development of these forest plans, and they want to know what sort of management they can expect on these lands over the next few years. The

forest plans can tell them what sort of management would have taken place had unlimited funding been available. In most cases, however, the plans cannot tell them what will happen at the funding level that is likely to prevail.

TWO MEASURES THAT CAN BE TAKEN BY THE FOREST SERVICE

There are two measures that can be taken by the Forest Service to alleviate these difficulties:

First, planning alternatives should be based on assumptions of overall funding not to exceed, say, 110 percent of current funding in constant dollars. Different management emphasis in each of the planning alternatives might assume different mixes of funding among the resource programs—timber, recreation, wildlife, range, soil and water—but keeping the "bottom line" within a reasonable range of the current funding trend will provide greater certainty that, at least from a budget perspective, any one of the alternatives could actually be implemented.

Second, and perhaps as an alternative, the plans should display the resource managers' estimate of the optimal distribution of funding among the resource programs at a variety of overall funding levels at less than 100 percent. If only 70 percent of the ideal funding level is available, it may not make sense to reduce all programs by 30 percent across the board. This mechanistic, Gramm-Rudman approach to budget reduction takes no account of priorities among programs, nor does it recognize the interactions among resource programs. At 100 percent funding, there may be many "nice to do" projects that would not appear at all at 70 percent funding; on the other hand, key programs or projects may receive the same level of commitment at the lower level as at the higher.

This second measure could also be a useful tool for congressional budgetary decisionmakers. A primary purpose of the plans is to establish, with the help of broad-based public involvement, what the management emphasis should be on the National Forest System, for individual national forests and for the system as a whole. Plans that show the relative emphasis among resource programs only at an unattainable 100 percent funding level are of little guidance to Congress when the difficult choices must be made on how to best distribute a much more limited budget. Using the integrated resource management approach called for in NFMA, and relying on an understanding of resource interactions that is far greater than that of most Members of Congress, Forest Service resource professionals can communicate to Congress as well as to the public how funds can best be allocated among resource programs at reduced budget levels and still maintain the management emphasis established in the plans.

CONGRESS

Congress must recognize that the forest resource programs on the national forests are inextricably intertwined. When the appropriations committees see the Forest Service budget request in the President's budget, they see a series of 60 or so seemingly unrelated budget line items, not integrated forest management projects that may simultaneously serve timber, wildlife, recreation, and a

number of other resource programs. When the politicking begins and the appropriations committees substantially increase some budget line items while reducing others, it violates the integrated resource management approach represented by the forest plans. Making such changes through the relatively closed appropriations process runs counter to the broad-based grassroots public participation in the development of the plans—a hallmark of NFMA—and negates the value of the often lengthy and arduous local negotiation that produced the final plans.

Given the time limit, I think I will conclude there.

[The prepared statement of Dr. Sample appears at the conclusion of the hearing.]

Senator BUMPERS. Dr. Sample, I appreciate that. I read both of your statements in full. I do not know whether everybody else has or not, but I want to say that I think both of these statements are really excellent. Dr. LeMaster, yours in particular for just reminding us of the simple fact that all forests are not the same. The resources are different. The amount of budget it takes to plan the use of those resources differs from forest to forest, and to you, Dr. Sample, for reminding us that we do not have the money to budget all these things like we would like to. Every time we cut back on the budgeting that we know is required to do decent planning, then of course we get imperfect plans simply because we do not have the money to do it.

It is very good of you both to come to make very cogent arguments with forceful and compelling statistics and graphs to back up what you have to say. I have no questions, and I am going to ask all the other questioners, if you will, to limit your questions to 3 minutes.

Senator HATFIELD.

Senator HATFIELD. Well, Dr. LeMaster.

Dr. LEMASTER. Yes, sir.

Senator HATFIELD. What makes you think the Siskiyou is working?

Dr. LEMASTER. Well, I think it is working because I have read the plan and it seems to be well conceived. It has a sound science base. The plan seems to be working in terms of its acceptance by the interests involved.

Senator HATFIELD. And yet neither the spotted owl nor the old-growth factors have been resolved, have they?

Dr. LEMASTER. Senator Hatfield, I really sympathize with you, and I commend you for your efforts and leadership in addressing the spotted owl-old growth issue in the Pacific Northwest. This is a real tough issue. I think what you have done is commendable. I also think that there is a solution to the situation. I would suggest that after 1 year, after this 1-year period for developing a scientific, sound prescription for spotted owl habitat and once this prescription has been incorporated into the plans, if interest groups attempt to block the implementation of the plans, I would suggest that legislation be considered declaring the protection provided in the plans as sufficient in terms of NEPA, and we get on with national forest management.

Senator HATFIELD. Both sides have already appealed.

Dr. LEMASTER. I understand that.

Senator HATFIELD. I will wait for a second round, because I think the gentlemen have certainly raised some very interesting points. Especially, Mr. Chairman, as I understand Dr. LeMaster, that the legislative branch should resolve conflicts in region 6 rather than looking at the forest planning process. I would like to get into that a little bit.

Dr. LEMASTER. Yes, sir.

Senator HATFIELD. If I understood him correctly.

Dr. LEMASTER. Yes.

Senator MCCLURE. Dr. LeMaster, if I understood you correctly, you were suggesting that the planning process works as well as it can, but certain impasses will arise?

Dr. LEMASTER. And the role of Congress is to come in and resolve the issue.

Senator MCCLURE. All right. How do we identify when an impasse has arisen?

Dr. LEMASTER. Well, when you have reached a situation like in northern Idaho, in which I have been involved for many years. There are about 20 dogs and only 19 bones so somebody, some dog is going to be without a bone. I hate to put it that crudely, but I think there are limits to what the national forests can provide and there are going to have to be some decisions made. I am less confident in the Forest Service making these decisions—decisions about values—than I am in Congress making them.

Senator MCCLURE. I am not sure that the Congress deserves that accolade, but I will take it. But again, I am not certain at what point in this process we can identify clearly that the planning process is not working and that Congress ought to step in. We have oftentimes been criticized by people on the outside who say you step in too quickly or you step in on the wrong issues. Obviously, you are giving an answer that they do not like when they say that.

Dr. LEMASTER. I think the planning process has resolved many conflicts and it has identified a lot of problem areas which beg for congressional resolution.

Senator MCCLURE. Dr. Sample, you suggested that the appropriations process is a poor way to change the parameters of the planning process. One of the difficulties we have is identifying in the appropriations process how that relates to the plans. Let us take as an example—I wish Senator Fowler were here because that is a good example of what we ran into this last year—an attempt to reduce the road building side without respect to what it did to the plans themselves. And then an attempt to restore the money through the appropriations process, it was lost in an amendment on the floor of the Senate. Both actions have been criticized by one faction or the other as an appropriations interference with the planning process.

One was in an amendment on the floor, and the other was action within the Appropriation Committee, both dealing with the appropriation bill rather than the authorizing committee. I assume what you are suggesting is that both of those actions were improper in the sense that they varied the outcome of the planning process. Am I correct in understanding you?

Dr. SAMPLE. That is correct.

Senator McCLURE. Then what are we left to do if we believe that the budget does not accurately reflect what the planning process has revealed?

Dr. SAMPLE. Well, I think a lot of the things that were attempted in this year's Forest Service appropriations were acts of desperation on the part of a number of different parties, and I think those parties have made the decision that the planning process is not working very well for them because it has not produced the outcomes that they sought.

To go back to the question of budgeting, the Forest Service, as you know, has been experimenting with this so-called end results approach where it would go back to appropriating the money in larger blocks rather than on the basis of 60 or 70 individual budget line items. And I think the Forest Service, as I said in my testimony, needs to make the first step to really present to the Congress the sort of interactive policy analysis that I think Congress needs from them. If the forest plans total up to a $3 billion budget for the national forests, and you come to the Forest Service and say, "We cannot give you $3 billion. How from your point of view as 30,000 professional resource managers, how can we best allocate that money among the different resource programs to accomplish what we have agreed on in the forest plans?" If they can provide that sort of information at a reasonable budget level, I think that will give the Congress a great deal more guidance and allow them to appropriate money that reflects the balance.

Senator BUMPERS. Senator Burns.

Senator McCLURE. I have one other question, but I will wait.

Senator BURNS. Dr. Sample, just because they did not agree with the plan does not mean it is a bad plan does it?

Dr. SAMPLE. That is right.

Senator BURNS. Right?

Dr. SAMPLE. Right

Senator BURNS. In other words, if the bottom line or the results come down, and everything has been done; but the result was different than what they expected, and they cannot accept it, they can still appeal this thing, and we are still out there fluttering around in the breeze. Is that correct?

Dr. SAMPLE. That is right.

Senator BURNS. It is a heck of a way to run a railroad, is it not?

Dr. SAMPLE. Yes, yes.

Senator BURNS. That is the only point I want to make. I heard all your pretty words; but do you think that the Congress should get into micromanagement? Is that what we are going to have to do?

Dr. SAMPLE. Oh, no, not at all.

Senator BURNS. That is what you are telling us to do?

Dr. SAMPLE. In drawing the distinction between what happens in the appropriations process and what happens in the planning process, our objective is to implement NFMA. If you look at NFMA, I believe it is 12 times, maybe more, that public participation is mentioned. It is my understanding that the intent of Congress was that the national forests primarily affect the livelihoods and recreation opportunities and a variety of things for the people who live closest

to those forests, and that those plans should be developed with a great deal of grassroots, public involvement in those plans.

There have been a number of situations already, and this goes to your question of appeals, there are a number of situations that have come about, where local interests have gotten together with the Forest Service. These are loggers, hikers, miners, et cetera, who are neighbors, who understand one another. They understand the resources that are out there, and they work toward a consensus. They work toward something that—I am not saying that they have come to full agreement—but they have come to something on which they can agree and they can work with it. They get 90 percent of the way there, and national interest groups, whether it be the industry groups or the conservation groups or whatever, come wading in at the 11th hour and kick over the table and say this does not agree with our agenda.

So the Forest Service, I understand the difficulty facing Dale Robertson. I mean he has got an array of groups going from most prodevelopment to the most proenvironment, but within that, he also has a dichotomy between national interest groups and their agendas, and the local interest groups, who may be able to work it out, and may be able to work it out and come up with a much more efficient solution than the national interest groups working through the courts, through appeals.

Senator BURNS. I am out of time. Yes or no, should we say, OK, I am going to take the advice of the local groups; they have a consensus and work it out? As a legislator, am I going to tell the people who are running the public affairs office for the National Wilderness Society or the National Wood Products, that we have settled it; that the issue is done?

Dr. SAMPLE. It is not that simple, no.

Senator BUMPERS. Senator Baucus.

Senator BAUCUS. Actually, Dr. Sample, your last general comments kind of touch on the question I have, and that is whether—either of you answer this, if you could, please—in your judgment you think there is a timber supply problem or shortage in this country or, say, if you could, particularly in region 1, and if so, to what degree is it because of the laws determined by the Congress and the Forest Service and the courts? On the other hand, to what degree is it because of unnecessary delays in the process?

Dr. LEMASTER. I will say it bluntly. There is no timber supply nationally. There are regional timber supply problems.

Senator BUMPERS. Are you saying there is no timber supply shortage?

Dr. LEMASTER. There is no timber supply shortage problem nationally. There are timber supply problems regionally, and they reach very significant proportions in some regions.

Senator BAUCUS. All right. Now let us say region 1, do you know enough about region 1?

Dr. LEMASTER. Yes.

Senator BAUCUS. Is there a timber supply problem in region 1, and if so, to what degree is it because of the law and the process, and the law determined by the courts on the one hand, and to what degree on the other hand is it because of unnecessary delays in the

process? As you mentioned, Dr. Sample, somebody coming in in the last moment and delays a decision that otherwise could be made?

Dr. LEMASTER. In the case of region 1, the problem is there have been too many demands imposed upon the national forest through passage of various laws, some conflicting, and we have just about reached the limit of the timberland base available to maintain the current levels of timber production in region 1.

Senator BAUCUS. To the degree that that is your answer, that goes to the first?

Dr. LEMASTER. That is right.

Senator BAUCUS. Rather than the second which is process?

Dr. LEMASTER. That is right.

Senator BAUCUS. So you think it is more because of the conflicts, legitimate conflicts and the law rather than unnecessary delays in the process?

Dr. LEMASTER. The Endangered Species Act, which I think is an excellent act, works to confound the problem. What happens if there is another endangered——

Senator BAUCUS. But that is the law.

Dr. LEMASTER. But that is the law. And you passed it. And what happens if another endangered plant or another endangered animal is identified in region 1? The situation calls, it begs for a policy decision, and I do not think the Forest Service or any other executive branch agency can make that kind of decision.

Senator BAUCUS. Well, there is no shortage as the law presently is written, in your view, and also no shortage——

Dr. LEMASTER. Nationally. In region 1——

Senator BAUCUS. Back to region 1, again, is there a shortage in region 1, in your view?

Dr. LEMASTER. Yes.

Senator BAUCUS. And the reason is what?

Dr. LEMASTER. In part because of a lot of laws which work against one another in terms of the land base available for timber production.

Senator BAUCUS. So that the Packwood bill would not resolve that? That is it is not appeals——

Dr. LEMASTER. No.

Senator BAUCUS [continuing]. And all that?

Dr. LEMASTER. No, sir.

Senator BAUCUS. In your view?

Dr. LEMASTER. No.

Senator BAUCUS. Rather it is the conflicts in the laws themselves?

Dr. LEMASTER. Yes.

Senator BAUCUS. OK. Thanks.

Dr. LEMASTER. That is my judgment.

Senator HATFIELD. Going back to this idea of the Congress resolving this problem in region 6; would you spell that out a little bit? Are you suggesting that we legislate the ASQ, the various and sundry set-asides or practices for nonfragmentation? Are you suggesting we do on the long term what we did in the short term this year?

Dr. LEMASTER. No.

Senator HATFIELD. What do you mean by resolving the conflict through legislation?

Dr. LEMASTER. I expect that one avenue that you will be considering in the next few years is treating national forest plans in much the way that we have treated wilderness designations. That once the plan has been developed, once the agency has worked with the interest groups, once the capabilities of the land have been ascertained, you will probably consider legislation for the purposes of NEPA, for the purposes of moving ahead, that will establish the plan as operable policy in statute until the next round of planning. And I think that you also might consider revising the appropriations process and funding according to national forest plans rather than using the functional approach you are using now. So that you fund——

Senator HATFIELD. Legislate each national forest service plan and then appropriate for that one forest, forest by forest?

Dr. LEMASTER. Forest by forest. I think interest groups have pushed you into that position.

Senator BUMPERS. That is a very interesting comment. I am sorry. You are still——

Senator HATFIELD. Well, I have a lot of other questions.

Dr. LEMASTER. I would be happy to answer them at some other time.

Senator BUMPERS. All Senators certainly may submit the questions in writing to these two witnesses. Senator McClure.

Senator MCCLURE. Mr. Chairman, just two questions very quickly. One with respect to whether or not the plans themselves are objective evaluations or can be, when they require the balances between conflicting objectives? Do not they come down to subjective evaluations?

Dr. LEMASTER. Yes and no. Yes, they are quite objective when we are looking at their scientific content. When we look at the values that the people have with respect to a national forest, that indeed is subjective.

Senator MCCLURE. Let us take a look at one forest in Idaho where I know this to be the case. Some lands that might be classed as suitable in that forest have not been so classified because the ASQ is reachable on other lands. Some lands are not even inventoried. They did not have to inventory them because they reached their ASQ before they got around to inventorying all the lands. So they classified them as unsuitable for the first round simply because they did not need it. They made a decision earlier with respect to ASQ. Now that sounds like an unscientific basis and I think it probably was.

On another forest in Idaho, and I report from the forest plan, it states that the maximum possible Allowable Sales Quantity for the first planning period is 614 million board feet. It goes on to say that with maximum present net value objectives, the greatest first period volume is 420 million board feet. To summarize, the plan states that Long-Term Sustained Yield varies from a minimum of 455 million board feet under minimum management requirements, utilization standards and sequential bounds, to 669 million board feet under a maximum timber without MMR's.

And that forest set their ASQ at 280 million board feet. Is that science?

Dr. LEMASTER. Senator, if I were you I would raise it with the Chief of the Forest Service.

Senator MCCLURE. I have. I have, and he said the process is working. Does that sound to you like the process is working?

Dr. LEMASTER. That is a site specific case, and generally I would still stand by my support of the national forest planning process?

Senator MCCLURE. OK. In spite of those problems?

Dr. LEMASTER. Yes.

Senator MCCLURE. Second question. This year because there is a complication in the budgetary process, which my colleagues on the Appropriations Committee understand very well, we get allocations to committees. Under 302(b) allocation, each subcommittee has so much money to spend. We have to divide it up. Now the Congress did not look at the bottom line before they made the 302(b) allocations. They look at some grand design and make 302(b) allocations. Under this process, anything which spends over that for any item is subject to a point of order.

One way I can get more money into forest management is to use excess receipts. I succeeded in doing that each of the last 2 years. It is not subject to a point of order. Is it good budgetary process? Probably not, but what else am I to do? Allow the whole thing to be pushed down because we cannot get adequate money? I tried to get some excess receipts; that is, by definition, receipts which are over those estimated by OMB and CBO, in order to say when you get up to that level you can use excess receipts for some of these noncommodity uses.

I was knocked down in the conference on that attempt because the House managers thought I was trying to emphasize timber receipts when all in the world I was trying to do was find a way to get some money into the noncommodity programs, and one of the reasons we have difficulty with that is that noncommodity programs do not yield revenues. Commodity programs do.

If you knock down the money for the commodity programs you have less money to put into the noncommodity uses. How do you answer that dilemma?

Dr. SAMPLE. Well, one of the one reasons for the response to your proposal was that it was premised on each national forest meeting, or exceeding its ASQ. And over the last 10 years, the Forest Service has interpreted the ASQ to us as a ceiling above which they would not——

Senator MCCLURE. That is over a 10-year period, but that is not in any one year.

Dr. SAMPLE. Average annual ASQ over 10 years; right.

Senator MCCLURE. But you might in that year go over the ASQ without violating that at all, and have excess receipts in that year.

Dr. SAMPLE. That is right, but that——

Senator MCCLURE. And again the ASQ does not define what OMB and CBO will define as expected revenues. Those are disconnected.

Dr. SAMPLE. Well, I guess from a budget reduction standpoint it does not matter whether you increase your spending or reduce the

revenues. It ends up being pretty much the same from a budget standpoint.

Senator MCCLURE. From a management standpoint it is quite different. As a matter of fact, if you succeed in putting down the issue, the one activity that generates the revenues, you do not get more money for others.

Dr. SAMPLE. Right.

Senator MCCLURE. The only way you can get more money for the others which I have found so far is to find some way to utilize the revenues which come in from the revenue producing sector.

Dr. SAMPLE. I think the larger question behind that issue, and I think this may go to some of Senator Baucus' earlier concerns, I am not familiar with the situation on the national forests that you described which sounds like the ASQ is significantly below what that forest is capable of producing.

Senator MCCLURE. It is in every forest in Idaho.

Senator BUMPERS. Gentlemen, I am going to have to insist that we move on. Senator Burns?

Senator BURNS. I have no other questions.

Senator BUMPERS. Senator Baucus.

Senator BAUCUS. I have one quick follow up. I earlier asked you, Dr. LeMaster, whether there is a timber supply shortage. You said no, not nationally.

Dr. LEMASTER. Yes.

Senator BAUCUS. I asked you about region 1. You said yes, there was. I then asked you why, and you said basically it is because of the law.

Dr. LEMASTER. Many laws.

Senator BAUCUS. Many laws. All the laws that conflict and cause that result. If these are national laws, and there is no national timber supply shortage, why is there a timber supply shortage in Montana or in region 1?

Dr. LEMASTER. Because, there is so much public land in the State of Montana and private land that is timberland in Montana has been cut over. It has been reforested, but it is not coming online yet.

Senator BAUCUS. So you think it is more because of the greater percentage of public land?

Dr. LEMASTER. Yes.

Senator BAUCUS. That is not the Forest Service land.

Dr. LEMASTER. For instance, Senator McClure has problem in his State because so much of that State is publicly owned.

Senator BAUCUS. But is it also partly because we have, say, shorter growing seasons, longer growing seasons?

Dr. LEMASTER. Well, it is not as productive land as in Senator Hatfield's western Oregon.

Senator BAUCUS. OK. Thank you.

Senator BUMPERS. Gentlemen, thank you very much.

The CHAIRMAN. One question if I might.

Senator BUMPERS. He comes rolling in here at 5 o'clock.

The CHAIRMAN. It was nice of you to drop by after we started at 2 this afternoon, Senator Bumpers. I was delighted to have you here for awhile. Dr. Sample, you said, if I understand your earlier

statement that professional planning is often secondary to budget planning. Is that basically your thrust?

Dr. SAMPLE. Of the Forest Service you mean?

The CHAIRMAN. Yes. In other words, has the appropriations process changed the emphasis on management identified national forest plans?

Dr. SAMPLE. I think it has. Attached to my testimony are a series of charts.[1] The first set of tables you will see in there show some of the RPA projected budgets under the last three RPA programs. And you can really see in those how appropriations have taken a very different direction from the direction specified in the plans.

A second set of charts in there show for the first 2 years under forest planning comparisons between forest plan levels and actual appropriations. This is for fiscal years 1989 and 1990. That same pattern is beginning to emerge. And I cannot prognosticate on what may happen from this point on, but I do not find that encouraging.

The CHAIRMAN. You say there is one administrative region that took a different approach from the others in integrating its forest plans as budget development. Was that the Southwest region?

Dr. SAMPLE. Right. region 3 of the Forest Service which specified from the outset that they should use a much more limited budget assumption in developing the alternatives so that they did come out with implementable plans.

And I would say that they feel that this has been very successful. It has given them plans that are very practical and very implementable at a time when forest supervisors and the rest of the country are already going back to their local publics and explaining why they cannot do what they said they were going to do in the plans. And they generally lay the blame at feet of Congress and say, well, we cannot do anything if we do not get the money. Well, they promised too much. They oversold their resources really.

The CHAIRMAN. That is happening a lot these days. Great promises made with nothing in the budget. Thank you very much, gentlemen. We will keep the record open for a couple of weeks for any questions or answers that my colleagues may want to submit. Thank you.

Dr. SAMPLE. Thank you.

Dr. LEMASTER. Thank you.

The CHAIRMAN. For the third panel we have Dr. Jay Hair, president of the National Wildlife Federation; Jim Geisinger, the president of Northwest Forestry Association; Brock Evans, the vice president, National Issues, for the National Audubon Society; Jim Riley, the executive vice president for the Intermountain Forest Association; Jeff Olson, resource economist for the Wilderness Society; Deborah Baker, executive director of the Region 8 Forest Service Timber Purchasers Council.

We wanted to get you all up here at once to take a picture. Nobody would ever believe you are all sitting down at the same table! This picture will strike hope or fear in people's hearts depending upon how one perceives the pictures!

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[1] See pages 135 to 141 for the series of charts.

Your full prepared statements, of course, will be made part of the record. I ask that each witness summarize your statement for the record with the specific points you want all of us to remember. We will start with you, Dr. Hair.

STATEMENT OF JAY D. HAIR, PRESIDENT, NATIONAL WILDLIFE FEDERATION, WASHINGTON, DC

Dr. HAIR. Thank you, Mr. Chairman. I will be brief because of the lateness of the hour, and from what we have heard from previous testimony this afternoon, it is pretty obvious that there are some national forests on which NFMA is working, and there are some which are not.

As a result of our experience with the forest planning process during the last 13 years, we have reached five conclusions that I would like to very briefly summarize for the committee now.

FIVE CONCLUSIONS AS A RESULT OF OUR EXPERIENCE WITH THE FOREST PLANNING PROCESS

First, we conclude that controversy and conflict are inherent in the forest planning process. The real challenge facing the national forest planning process is not the elimination of controversy, but the successful resolution of conflict.

Second, conflict resolution is best achieved when the Forest Service utilizes the fullest involvement of the constituencies affected by agency management decisions.

Third, the potential effectiveness of this public involvement—and ultimately the legitimacy of the planning process—is readily crippled by arbitrary congressional mandates and agency biases.

Fourth, the Forest Service has a credibility program. Quite frankly, it is a lack of public trust. The agency has created this problem and it hampers public involvement and undercuts the effectiveness of forest planning.

Fifth, and finally, judicial review and administrative appeals are valid and essential quality control mechanisms, protecting the public and our national forest resources from inappropriate and illegal agency management activities and decisions. Let me concentrate on the last point.

PUBLIC PARTICIPATION AND OVERSIGHT ARE A VITAL COMPONENT OF THE ENFORCEMENT

There are a number who would suggest that administrative appeals and judicial reviews provide avenues for obstructionist tactics used to frustrate Forest Service decisionmakers, and this belief is both inaccurate and dangerous. These processes of public participation and oversight are a vital component of the enforcement of the environmental legislation that Congress has passed to protect our forests and other resources.

For example, shortsighted economic interests and limitations on judicial review threaten the ancient forests of the Pacific Northwest. The environment and economic health of that region, as we all know, are inextricably linked. One cannot prosper at the expense of the other. Forest management that threatens wildlife, bio-

logical diversity and the long-term productivity of the forest also undermines the region's economic future.

CONGRESSIONAL ACTIONS AND INSTITUTIONAL BIASES HAVE COMBINED TO DRIVE THE OVERCUTTING OF THE NATIONAL FORESTS IN THE PACIFIC NORTHWEST

Congressional actions and institutional biases have combined to drive the overcutting of the National Forests in the Pacific Northwest. Congressionally set aside levels have exceeded sustainable levels, and Congress has helped delay the release of forest plans which would target, at least, some reductions in timber sales. Recently, and I think this is very important and very telling, former regional forester Jim Torrence, publicly admitted that these sale levels are driving overcutting of the region's forests. He reported that even the reduced sale volumes proposed in the region's draft forest plans cannot be continued without substantial environmental degradation. Administrative appeals and judicial review have provided necessary avenues for citizens pursuing sustainable forest management for the region.

NATIONAL WILDLIFE FEDERATION IS COMMITTED TO PROTECTING OUR ENVIRONMENT, PUBLIC LANDS AND RESOURCES THROUGH INVOLVEMENT IN THE FOREST PLANNING PROCESS

Let me conclude by saying that the National Wildlife Federation is committed to protecting our environment, public lands and resources through involvement in the forest planning process. We try to responsibly negotiate on these issues with the goal of reaching fair decisions that protect the environment while balancing the concerns of affected interest groups. We will continue to participate responsibly in the planning process and work toward resolution of environmental conflicts, but we will not give up the fundamental principle of a day in the court to do so.

Sustainable management of the region's forests will not result from the silencing of citizens' legal protests or the hamstringing of the federal court systems. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

[The prepared statement of Mr. Hair appears at the conclusion of the hearing.]

The CHAIRMAN. Mr. Geisinger.

STATEMENT OF JAMES GEISINGER, PRESIDENT, NORTHWEST FORESTRY ASSOCIATION, PORTLAND, OR

INTRODUCTION

Mr. GEISINGER. Mr. Chairman, my name is Jim Geisinger. I am the president of the Northwest Forestry Association. Our trade group represents forest products firms throughout Washington and Oregon, all of whom depend on Federal timberlands for their raw material source. My role on this panel is to provide an overview of the forest planning process in region 6 and to address some of the issues that are keeping that process from being completed in a timely manner.

HOW THE NATIONAL FORESTS IN WASHINGTON AND OREGON ARE BEING MANAGED TODAY UNDER EXISTING PLANS

We talked a lot about balance today, and I think a good way to address that issue is to identify for you exactly how the national forests in Washington and Oregon are being managed today under existing plans. Today 53 percent of the national forests in our region are off limits to timber production, over half. About 47 percent are available for timber production, and within that 47 percent, there is over 4 million acres of roadless areas presumably released for nonwilderness uses in the 1984 Wilderness Act, when we doubled the amount of wilderness that we have in our region.

On Federal lands in general including national parks in the Northwest, according to the forest planning definition of old growth, there is 7.5 million acres of old growth remaining, 4.2 million acres of which are already preserved. And we talk a lot about sustainability as well, and on that modest approach to managing the renewable forest resources in our region under existing plans, there is a potential to produce 5.1 billion feet annually.

Yet, in fact, the Forest Service has only been selling about 4.3 to 4.4 billion feet a year, well below the sustainable level. We feel that under this balanced approach that we have today all the resources on the national forests are, in fact, sustainable including the old growth resource.

Out of the 19 plans that are under preparation in our region, only four have been finalized, not five, but four, all of which have been appealed.

WHAT IS HANGING UP THE PROCESS

What is really hanging up the progress of the forest planning process are issues that are being embraced by the public, by the politicians, and by the agency cutside of the framework of the forest planning process. The two most controversial ones being the preservation of old growth and the protection of spotted owl habitat. And I will reserve any detailed explanation of those issues for the question and answer period.

DISAPPOINTED

We entered this forest planning process with high expectations. We felt that the agencies would take a fresh look at the forests, no preconceived directions, no predetermined outcomes to prejudice the process. We have been sadly disappointed. The RPA program was supposed to be the authority and guiding force for the preparation of these plans. The 1980 RPA program proposed a 5.4 billion foot allowable cut for region 6. We thought that was the goal that the agencies were pursuing.

Unfortunately, our industry and our Nation slipped into a very deep recession in 1982, and instead of relying on RPA, I think those agencies relied on the situation we found ourselves in during that depression as an indicator of the future rather than the RPA program. They thought they had an opportunity to satisfy the environmental community by reducing the allowable cut without harm to the industry, to satisfy their appetite for the preservation of na-

tional forest lands and unfortunately they were proven to be wrong on both points.

CONCLUSION

I have been informed that our time has been cut down to 3 minutes. I would simply conclude by saying that we agree with many that have testified before us that in our region we need some help from these committees and from the U.S. Congress in bringing this planning process to completion. The issues that are the most contentious, old growth, the spotted owl, have to be resolved before the forest plans can be completed. To complete a forest plan with those two issues still up in the air is an unreal plan, not a meaningful plan. It is not one that we can rely on, and I think Senator Hatfield put his finger on it very well just a few minutes ago.

And that is that what our industry needs most is some predictability in how much timber is going to be available in the longrun. We cannot plan. We cannot make investments in plants and human resources without knowing from one year to the next how much timber is going to be available. Thank you.

The CHAIRMAN. Thank you, Mr. Geisinger. And I am sorry the time is somewhat limited. What I am trying to do is to make sure, because we are going to have further votes, that we have time so that the Senators who are here, and others, will be able to ask questions of the various members of the panel.

All of you, of course, will be able to have your full prepared statement in the record, and once you have gotten the transcript back, once you have your oral statement, if you find that there are additional views or ideas that you wish to add to it, we will keep the record open for that respect because what you are going to say and what will be from the different views here will be extremely important to both Senator Bumpers' committee and my committee in the issues we are going to have to face. So please feel that even if the time is somewhat limited, we will try and hold time for questions. But you will definitely have plenty of time to add anything that you want to that transcript.

[The prepared statement of Mr. Geisinger appears at the conclusion of the hearing.]

The CHAIRMAN. Mr. Evans.

STATEMENT OF BROCK EVANS, VICE PRESIDENT FOR NATIONAL ISSUES, NATIONAL AUDUBON SOCIETY, WASHINGTON, DC

Mr. EVANS. Thank you, Mr. Chairman. I have been in this room for 20 years now, off and on, on these sorts of issues including the Forest Management Act, as Senator McClure well remembers, in 1976; but I have never had this juxtaposition, so far, of witnesses back and forth. To sit next to Mr. Geisinger, whose name I have heard for so often, is a real pleasure and perhaps, Senator Burns, as you said, there may be some hope in this. Let us hope so. We will hope so.

Senator BURNS. Let us go lock the doors.

THE PROCESS HAS FAILED

Mr. EVANS. That is right. In any event, as stated in my prepared statement, and of course, I will paraphrase, we are back here again. From National Audubon's standpoint, Mr. Chairman, the process has failed. Otherwise, I do not think we would be here at all having these hearings. Otherwise, the Congress would not be called on to micromanage these issues as you are being increasingly. You do not want to do it. We had hoped it would not be that way either, but it is.

POOR DECISIONS UNDER VAGUE STATUTES

There are many reasons—I detail them in my prepared statement—bureaucratic reasons, ideological reasons, statutory reasons and political reasons, but I will not get into them right now. I just want to say that we believe that the essence of the problem is, Mr. Chairman, to paraphrase Senator Hatfield earlier, poor decisions under vague statutes. We would also call it something else. We would call it the failure of discretionary forestry. And that, frankly, is what the 1976 debate was all about. That is why I go to some lengths to trace the history of forest disputes since 1964, and the Wilderness Act. Maybe to take off on what Mr. Geisinger said, we may have too *much* predictability as far as we environmentalists are concerned.

WE FEEL WE HAVE NO REDRESS BEFORE THE EXECUTIVE BRANCH

We feel that every time we go to the Forest Service for a redress of our grievances, we are going to get done in. The land is going to get done in. The logs are going to come out. That is the real problem. There has been a lot of speculation about what the motives of environmentalists are in going to court and filing appeals. I guess as one who does it, I would say that we feel we have no redress before the executive branch. We have turned to you and the Congress for redress through wilderness areas. We have turned to the courts. That is where we get listened to. It is an impartial forum. That is the problem.

We may have the best resource managers in the world, and I respect the resource expertise, but I do not think we have the best allocation managers in the world at all, and I cite many chapter and verses and examples of that. Exhibit B, I draw your attention to in my prepared statement, is a study by Professor Ben Twight of Pennsylvania's State University. He documents the Forest Service bias in favor of commodity production, and that is how we see it. That is the real problem.

We did not want it this way in 1976, Mr. Chairman. We sought clear directions in the statute then on size of clearcuts and slopes and soils. The forestry establishment and the industry and the Forest Service opposed it. They called it prescriptive forestry. Perhaps it was, but it was clear, and it set out what could be done and what could not be done. I think the failure of the Forest Service to protect biodiversity because so many fudge words and weasel words are written into that statute, Mr. Chairman, has brought us to the point where we are right now.

And I just wanted to pass out to the committee the documents we prepared on ancient forests. I think a picture is worth a thousand words, and it will tell you the situation better than we can say it here. To sum up then, since 1976, as we see it, timber sale levels have stayed about the same or have even gotten higher in some places, but those of the rest of us in the rest of the public have witnessed what we consider to be a steady degradation of all of the other resources, trails, vistas, nongame species, interior forests, fishing and hunting opportunities, cleaner water, desecration of religious sites, all the rest. They are all worse off than they were in 1976.

SPOTTED OWL

The spotted owl was not threatened then, but it is right now. Why? More reasons than the Chief gave. They had a biodiversity policy too, but they did not follow in spite of the warnings of their scientists.

In short, Mr. Chairman, we think Mr. Jeff DeBonis who has organized the employees' association in the Forest Service is right. The agency is very timber biased. We environmentalists have learned we cannot get redress from grievances there. We have had to turn elsewhere, and we recommend some solutions to this to you in the last part of my statement.

SUGGESTIONS

The most drastic would be the New Zealand solution which essentially would split the agency up into two parts, one for logging purposes and one for other multiple use purposes.

The second way of dealing with this might be to get specific finally and have some more prescriptions in the statute about what you the Congress really expect to be done and not.

The third item is I express and at the very last part of my statement I express some hope, Senator Burns, that the young people coming on in the agency like Mr. DeBonis who—he is an award winning timber planner, by the way—he is not a biologist or anything like that. People like that may be the hope of the future, too, if we can somehow get them into decisionmaking positions. Thank you very much.

The CHAIRMAN. Thank you. Thank you very much.

[The prepared statement and attachments of Mr. Evans appear at the conclusion of the hearing.]

STATEMENT OF JAMES S. RILEY, EXECUTIVE VICE PRESIDENT, INTERMOUNTAIN FOREST INDUSTRY ASSOCIATION, COEUR D'ALENE, ID, ACCOMPANIED BY JACK MUDD, ATTORNEY

INTRODUCTION

Mr. RILEY. Mr. Chairman, I am Jim Riley. I am the executive director of the Intermountain Forest Industry Association. With me today is Mr. Jack Mudd. He is a private attorney that our association has retained from Missoula, Montana to help us investigate some of the legal ramifications of this problem. I believe his exper-

tise may be useful on some of the questions that have arisen previously.

I will submit my prepared statement for the record and just summarize a couple of the highlights.

EXPECTATIONS

First, is, when examining the success of the National Forest Management Act and the plans developed pursuant thereto, I would say that we had two expectations, or our members did, in that regard. The first expectation was that the new NFMA plans would result in some substantive changes to the way the national forests in our part of the country were managed. We believe that there were some needed changes in management that had to come along.

Well, I can say that there were changes as a result of these plans. Not all of them were fully acceptable to us. In many cases, there were increases in amenity programs, ones which I hasten to add that we supported, but more disturbingly without exception, the amount of land that was to be managed for timber and timber production purposes has been reduced, and reduced dramatically, so that the result is on every national forest in Idaho and Montana, we are looking at only managing 30 to 40 percent of the timberland base being managed for timber production at all, and many cases that is severely constrained. So those who are on this panel of mine advocate that the balance does not exist as a result of the NFMA planning process, I would offer those brief remarks as being evidence to the contrary.

I would also add, on the point of substance, that we had hoped that the objective and analytical process required by the National Forest Management Act might produce some rational data based decisions, if you will, and I am disturbed to find that in case after case in the forest plans that I am familiar with, the actual resulting decision on how to use the land that was reached by the Forest Service allows the analysis and the data to take a back seat to some sort of oftentimes very hard to understand sociopolitical judgment based on the Forest Service managers.

I am not sure that is what is intended by the act, but certainly has been the result.

Our second expectation was equally, if not more, important and is that the National Forest Management Act process would bring about some sort of resolution of the disputes that have been raging for more than a decade on the national forest on which we operate and depend. The success of that expectation has been dismal at best. We had hoped that the integration of an analytical analysis combined with public input would bring about decisions that were supportable by a majority, a clear majority of local people on all sides of the equation. That moderates would prevail, if you will, and the Forest Service would get on about the business of rational management in the national forest lands.

What we have found as a result, though, is that the plans have just moved these disputes into much more complex, contrary and contradictory arena for dispute resolution. That comes about for

several reasons, many of which are detailed in my statement. I would be glad to talk about them further.

MANAGEMENT OF THE NATIONAL FOREST IS ATTEMPTED TO BE ACCOMPLISHED TODAY BY A PROCESS SIMILAR TO THAT OF UNANIMOUS CONSENT

Let me close my remarks by pointing out that what, in my view, we have as a result of this entire failure is a system whereby management of the national forest is attempted to be accomplished today by a process similar to that of unanimous consent, if you will. Because of the opportunities provided for obstructive action in the administrative appeals and judicial system, we have now an extended veto power to any group or individual, public or private, who wishes to interact and obstruct in that regard.

Consequently, in many of the local communities throughout the areas I represent where sawmills depend on and the communities depend on the harvest of national forest timber have been brought to economic standstill. I will answer any questions when the time comes. Thank you for the opportunity to testify.

The CHAIRMAN. Thank you very much, and again I apologize for the rush. But as I said, we do want to get into other questions, and we will have questions for you.

[The prepared statement of Mr. Riley appears at the conclusion of the hearing.]

The CHAIRMAN. Mr. Jeff Olson, Resources Economist.

STATEMENT OF JEFFREY T. OLSON, RESOURCE ECONOMIST FOR THE WILDERNESS SOCIETY, WASHINGTON, DC

Mr. OLSON. Thank you, Mr. Chairman. I am Jeff Olson with the Wilderness Society.

TIMBER-FIRST BIAS, ITS COSTS, AND RECOMMENDATIONS

Passage of the NFMA left many citizens with high hopes. It was believed that the "timber first" bias perceived in Forest Service management policies would be replaced with comprehensive plans to restore balance and environmentally sound policies. Unfortunately, virtually all national forests have completed either draft or final management plans and we see now that timber production is emphasized at the expense of other resources, local communities, and taxpayers. The impact of implementing the new forest plans is summarized in the 1990 RPA draft plan.

FOREST PLANS FAIL TO PROVIDE SOUND RESOURCE MANAGEMENT

Forest plan implementation will increase combined timber sale levels on the national forests by 21 percent over the next 50 years. Fully half of that increase occurring in the next 10 years. It will increase the number of acres clearcut annually from 330,000 to 440,000. In addition, over 25,000 miles of new roads will be built in the next 10 years. In old-growth forests—as defined by the Forest Service—in Alaska, Washington, Oregon, and California will be reduced by more than 4 million acres.

The impact of this will be to reduce wildlife habitat, affect water quality, degrade aesthetic qualities, and reduce recreation opportu-

nity. The cost to the taxpayers will be substantial. Below cost timber sales last year cost more than $95 million, and many of these forests plan to increase timber sales as they implement their NFMA plans.

TIMBER BIAS

The timber bias in National Forest plans is probably not surprising. Over 70 percent of the operating budget for the National Forest System is devoted to timber production, and the largest source of unappropriated funds comes from the timber sale program. Timber goals themselves are assigned through a top down process by the Forest Service through RPA program and through the congressional appropriations process.

UNREALISTIC ASSUMPTIONS REGARDING TIMBER PRICES AND HARVEST LEVELS HAVE BEEN FREQUENTLY CRITICIZED

Unrealistic assumptions regarding timber prices and harvest levels have been frequently criticized, and as an example, the Rio Grand National Management Plan has become the first plan that has been tested in court. In that case, the court ruled that the Forest Service use of high timber prices and minimum cut levels produced a result biased process that precluded consideration of lower timber sale levels.

In the Northwest, timber oriented land and research management plans threatened to destroy the remaining old growth ecosystem and in addition the agency guidelines for managing the habitat of the spotted owl are so inadequate that they threaten the owl's extension. Congress has now ordered the Forest Service to reanalyze its spotted owl plan and to minimize fragmentation of ecologically significant old growth.

SUMMARY

In summary, we see timber production as continuing to dominate national forest management. And the Wilderness Society urges Congress to correct this bias by phasing out below cost timber sales, reducing road construction, decrease the reliance on clearcutting, and protection of ecologically significant old-growth forests. In addition, we urge the Congress to reject proposals that would stymie judicial review of timber sales, forest plans, and enforcement of environmental laws.

The CHAIRMAN. Thank you.

[The prepared statement and attachments of Mr. Olson appear at the conclusion of the hearing.]

The CHAIRMAN. Our next witness is Deborah Baker. Mrs. Baker is the Southern Regional Director of the National Forest Products Association and the executive director for region 8, Forest Service Timber Purchasers Council.

STATEMENT OF DEBORAH BAKER, SOUTHERN REGIONAL DIRECTOR, NATIONAL FOREST PRODUCTS ASSOCIATION, AND EXECUTIVE DIRECTOR, REGION 8 FOREST SERVICE TIMBER PURCHASERS COUNCIL, ATLANTA, GA

Mrs. BAKER. Thank you.

The CHAIRMAN. Nice to have you here, Mrs. Baker.
Mrs. BAKER. Thank you.

DEMAND FOR PAPER AND SOLID WOOD PRODUCTS IS STRONG

I would like to say that the demand for paper and solid wood products is strong. We have record demands between 1984 and 1988 of about 46 billion board feet per year.

SOLID WOOD PRODUCTS MARKET IS MORE COMPLEX

The solid wood products market is more complex. It is not just housing. We have remodeling as a factor as well as the increased size of homes. That would help explain why the demand projections remain high even when housing starts are predicted to lag.

The national forests play an important role in supplying this demand. The public lands, mostly national forests, represent 28 percent of the commercial forest land, and this is two times what the private industrial acreage is. However, the national forests only contribute 14 percent of total wood fiber and 18 percent of all softwood production.

DEEMPHASIS OF THE COMMODITY PRODUCTION

We have had a deemphasis of the commodity production, and we see that in the planned outputs, known as the Allowable Sales Quantity [ASQ]. The ASQ has decreased from what originally was known as the potential yield from the previous timber management plans. The ASQ is now, nationwide, 10.8 billion board feet and during the previous timber management plans, it was at a level of 4.8 billion board feet.

The primary reason for this reduction has been that the Forest Service has reduced the land base available for timber production in order to increase noncommodity resources. We have had problems with implementing the plans, as you have heard today. I would only reiterate that it is time for Congress to be involved, and we have before us a letter that has been signed by 32 groups including the forest industry, allied and multiple-use groups urging the Congress, in fact, to provide necessary direction with regard to plan implementation.

CONCLUSION

So basically, the demand is high, the national forests play an important role, in meeting this demand, and we are having forest plan implementation problems. We would very much like to see some congressional intervention. Thank you.

The CHAIRMAN. Thank you very much. The letter will be included in the record at this point.

[The letter follows:]

The Honorable PATRICK LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: We are writing to urge you to provide stability in national forest management. With the passage of the FY 1990 Interior and Related Agencies Appropriations bill, Congress has provided a one-year interim measure to reduce the impact of the timber supply crisis in the Pacific Northwest. This temporary meas-

ure will expire on October 1, 1990 and is intended to reduce mill closures and layoffs while a longer term solution is developed.

As you may know, the timber supply provisions in the Interior Appropriations bill were added in an attempt to avert an immediate economic crisis in the Northwest and a pending national wood products supply problem caused by the controversy over protection for the northern spotted owl on national forest lands. However, the conflict over the management of the national forests is not limited to the Pacific Northwest—it is a rapidly growing national problem. Appeals of Forest Service timber sales have increased at a rate of 100 percent per annum for each of the past 6 years. Such appeals prevented six out of nine Forest Service regions from meeting their congressionally directed timber sales targets for FY 1989, and the situation for the regions outside of the Pacific Northwest looks even more perilous in FY 1990.

The Forest Service is under attack. Most troubling about this attack is the pall of uncertainty that legal actions have cast on timber dependent communities. From red-cockaded woodpeckers in nine Southern States, to grizzly bears in Montana, to all three sub-species of spotted owls ranging from Washington to New Mexico, preservation groups are increasingly using animals and courts as instruments to disrupt economies and ways of life throughout the United States.

Unfortunately this attack is coming at a time of record demand for wood products. The national forests contain 50 percent of the country's available sawtimber, but the amount harvested is less than 25 percent of what Americans use annually. And the demand for Forest Service timber has exceeded the amount made available every year since 1984. Moreover, the increases in product prices that may be in store if the supply situation is not resolved could work to deprive many families nationwide of affordable housing.

The undersigned groups strongly urge action in this Congress to provide a basis for managing our national forests to achieve their productive potential and to reflect a wide variety of commodity and noncommodity multiple use values. The workers, families and communities dependent upon a reliable national forest timber sale program deserve this certainty. Over the past two decades, congressional mandates have made management of the national forests among the most environmentally sensitive undertakings in the world. With these controls in place, the Forest Service urgently needs congressional direction to allow the Agency's natural resource specialists to manage the one-third of the National Forest System available for timber production to meet national and world needs.

Sincerely,

D.L FINNEY, *General Manager, Alaska Loggers Association, Inc.*
MARK REY, *Executive Director, American Forest Resource Alliance.*
WILLIAM ROBISON, *President, American Plywood Association.*
RICHARD LEWIS, *Vice President, American Pulpwood Association.*
JAMES L. GUNDY, *Executive Vice President, Appalachian Hardwood Manufacturers.*
A. TROY REINHART, *Executive Director, Douglas Timber Operators, Inc.*
JOANN ETIENNE, *President, Indiana Forest Industry Council.*
JIM RILEY, *Executive Vice President, Intermountain Forest Industries.*
BOB JOHN, *Executive Vice President, Mid-America Lumbermens Association.*
ERNEST STEBBINS, *Executive Manager, National Hardwood Lumber Association.*
BARRY CULLEN, *President, National Forest Products Association.*
HARLAN HUMMEL, *Executive Vice President, National Lumber and Building Material Dealers Association.*
NICHOLAS KENT, *Executive Vice President, North American Wholesale Lumber Association.*
STEPHEN CLARK, *Vice President, Northeastern Lumber Manufacturers Association.*
JOHN G. BRILL, *Executive Vice President, Northeastern Retail Lumber Association.*
JAMES C. GEISINGER, *President, Northwest Forestry Association.*
GUS KUEHNE, *President, Northwest Independent Forest Manufacturers.*
R. DENNIS HAYWARD, *Executive Vice President, North West Timber Association.*
JOHN MILLINER, *President, Southeastern Lumber Manufacturers Association.*
KARL LINDBERG, *President, Southern Forest Products Association.*
GREGORY MILLER, *Executive Vice President, Southern Oregon Timber Industries.*

BILL DENNISON, *President, Timber Association of California.*
JOE MCCRACKEN, *President, Western Forest Industries Association.*
BOB ROBERTS, *President, Western Wood Products Association.*
SUE JORGER, *Evergreen Action Coalition.*
VALERIE JOHNSON, *Oregon Land Coalition.*
MYRON EBELL, *Washington Representative, National Inholders Association and Multiple Use Land Alliance.*
JOHN HAMPTON, *President, Northwest Forest Resource Council.*
MELVIN R. STAHL, *Senior Vice President, Government Relations, Motorcycle Industry Council, Inc.*
KENT W. COLTON, *Executive Vice President and Chief Executive Officer, National Association of Home Builders.*
ROBERT H. MCKELLAR, *President, Oregon Forest Products, Transportation Association.*
THOMAS C. SCHUMACHER, *Executive Vice President, California Trucking Association.*

[The prepared statement and attachments of Mrs. Baker appear at the conclusion of the hearing.]

The CHAIRMAN. Mr. Geisinger, I am concerned, that we have had a number of attempts to limit judicial remedies in appropriations packages recently. People are feeling that if things do not work out the way they are supposed to, it is going to be a race to see who gets to the Appropriations Committee first. Do you think that is a good way to go?

Mr. GEISINGER. I think in terms of planning for the long term, no, but I think in some instances, when there is a crisis situation, that is going to have an immediate impact on innocent people who are involved in these debates, I think there is a time and place for that particular kind of remedy.

The CHAIRMAN. What do you think about the Leahy-Hatfield colloquy we talked about earlier? The four points?

Mr. GEISINGER. I agree with several of them. I have some reservations about a couple of them.[2]

The CHAIRMAN. You may want to expand on that when you look back at the transcript. I would appreciate it if you could expand on your thoughts. I mean that seriously because we are trying to figure out where we go with the long-term solution.

Dr. Hair, how do you respond to the claim that appeals and legal challenges are obstacles to the agency?

Dr. HAIR. Well, they are only obstacles in the sense if the agency's process to date has been flawed, and I believe very strongly that the American people really do expect that they have the right to redress their grievances before our judicial system, and whether that is the right of those who would say harvest and cut all the old growth, or those who like the National Wildlife Federation and other environmental groups are saying that it is important to the heritage of this country and other economic values to maintain some of those ecosystems and contacts, I believe that we fundamentally have that right.

And I have spent a lot of time talking with Senator Hatfield, a person who I admire greatly as a great statesmen of this country, and we have a fundamental disagreement on that point of view.

The CHAIRMAN. Thank you.

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[2] See pages 156 to 157 for a response.

Mr. Evans, you strongly criticize the Forest Service's failure to implement the biodiversity requirements of the National Forest Management Act. You emphasize this in what you call the mismanagement of the ancient forests in the Northwest.

I note the other day Deputy Chief George Leonard held a press conference. He announced new guidance for the Forest Service's management of its ancient forest. How do you feel about his statements? Good, bad, or indifferent?

Mr. EVANS. I would say about the same, Mr. Chairman. When you look at the fine print, it is, as far as I can tell, and I have asked our local people in the Northwest about it, too—it is business as usual. It is basically a pulling together of everything they have already been doing, and I would say dressing it up as something that is new, but it is not new at all. It very much reminds me—Senator Gorton may remember this—in 1967 when we were working on the North Cascades National Park in my State, Senator Gorton's State, the Forest Service did not want a national park there so they announced that they were going to create a brand new North Cascades National Recreation Area, same boundaries.

When you looked at it, it was nothing new. It was going to be all the logging and everything else. But they called it something else. This, I believe, is the same sort of thing. We thank the Forest Service for saying they have a new policy. We will thank them again when they actually have a policy, when we see the lines on the ground and see real ancient forests being protected and not fragmented the way it is right now.

The CHAIRMAN. Otherwise you feel it is old wine, new bottles?

Mr. EVANS. That is what it sounds like. I would be very much—you might want to ask the Chief and others to submit for the record the new lines on the maps they are going to draw and the new areas they are going to protect as a result of this new policy. I do not think it is there. And I do not think there will be anything new out of it. One more final point here, Mr. Chairman. They do have old growth protection plans in the forest plans, as they should, and we are glad, but here again when you look at it closely it is mostly old growth forests in steep rocky canyons and places like that that the industry cannot log anyhow. It is old growth forest, but it often does not necessarily have the wildlife components to it and the other components that are very important. And it is very important to get on the ground and look at this as we have.

The CHAIRMAN. To be fair, are there any industry witnesses who would like to respond to this same question?

Mr. GEISINGER. Yes, I will take a stab at it.

The CHAIRMAN. Mr. Geisinger.

Mr. GEISINGER. Mr. Chairman, we view it as a new policy. The press release started off by saying, "We are announcing a new policy on old growth." And I think it is a symptom of why the forest planning process is not working. A new national policy was made outside of the forest planning process. We have heard a lot about public involvement as a part of this planning process this afternoon. I can tell you categorically in almost all of the 19 draft plans published in region 6, the public input overwhelmingly supported the status quo, the maintenance of a stable timber supply

and the maintenance of employment in the forest products industry.

And now we have a brandnew policy that has been announced, and all those people who took the time to comment to draft forest plans have not had a chance to comment on this. And if it is reflected in the new final forest plans, they will not have had a chance to comment on this new policy, and that is why Congress needs to address it.

The CHAIRMAN. If anybody else wishes to add a comment for the record, please feel free because I want to yield to Senator Hatfield.

Senator HATFIELD. Thank you, Mr. Chairman. I return the compliment, Mr. Hair. As many times as I may disagree on some issues, I tell you your publications redeem everything that we have in disagreement. They are fantastic.

Dr. HAIR. Thank you, Senator.

Senator HATFIELD. Mr. Hair, in your prepared statement on page 1, you say the question before us is whether or not planning under NFMA has provided the format for meeting the multiple use mandate. You believe that the answer in many national forests is that national forest planning is dominated by the production of timber and other commodities, and that noncommodity resources are typically viewed by the agency not as values to be managed and protected, but as impediments to the production of timber.

Now for the record—I am not asking you to do this off the top of your head, but I do think it is very important to followthrough on the particular point that you made. Will you identify in region 6 those noncommodity targets that have not been met, and in your estimate the times and how many of the commodity targets have not been met or have been met? In other words, I think that I can say, in my memory, that we have met more noncommodity targets in the Northwest in region 6 than targets set for commodity production. And I would like to get your input on that one.

[The written response of Mr. Hair follows:]

Question. Senator Hatfield's question (page 171 of transcript): "In other words, I think that I can say, in my memory, that we have met more noncommodity targets in the Northwest in region 6 than targets set for commodity production. And I would like to get your input on that one."

Response. Although the annual reports published by the Forest Service do not provide a great deal of regional information, these reports do indicate that on a national basis, Forest Service funding and accomplishments are dominated by timber production.

For example, a review of Forest Service accomplishments compared to the projections of the Forest and Rangeland Renewable Resources Planning Act (RPA), indicates that timber management goals have been met fully while wildlife habitat improvement targets have lagged sorely behind. On average, between 1980 and 1987, the Forest Service accomplished 100.8 percent of the RPA timber sale goal, and only 77.7 percent of the goal for habitat improvement. Although RPA goals do not provide absolute criteria for judging wildlife accomplishments, the degree to which these goals are met does provide insight into agency management biases. Because the information provided by the annual reports does not allow the examination of RPA accomplishments for region 6, it might prove useful to ask the agency to provide this information for the region.

Although it seems logical to assume that the accomplishments of region 6 are in line with national levels, we would also offer the following illustrations of the manner in which Forest Service biases toward timber production have overwhelmed consideration of noncommodity resources in the Pacific Northwest. Currently, for example, timber sales in the region exceed sustainable levels, as evidenced by the remarks of retired Regional Forester Jim Torrence (article attached).

In addition, the Forest Service's supplemental environmental impact statement on the spotted owl (SEIS) is an example of how the agency's emphasis on timber production skews management decisions affecting other resources. The agency released the final SEIS and accompanying Record of Decision (ROD) in December 1988. The SEIS and ROD will guide spotted owl habitat management in Oregon and Washington for the next 5 years, and is designed primarily to minimize the impact of protecting spotted owl habitat on timber sale levels. Although successful in protecting timber sale levels, the plan does not adequately address the biological needs of the owl.

As a final example, I would highlight the recently released final plan for the Fremont National Forest. Although the delayed release of forest plans makes it difficult to comment on future management directions for the region's forests, the recently released Fremont plan provides disturbing evidence that timber management continues to predominate the agency's decisionmaking. The plan targets minimal reductions in levels of timber harvesting, and also fails to protect the forest's biological diversity or to justify reductions in diversity, provides inadequate consideration of roadless areas, and allows for the degradation of water quality and fisheries habitat.

An example of the Fremont plan's bias toward timber production is found in the treatment of snag (standing dead trees) habitat. Although the Preferred Alternative of the draft plan called for managing snag habitat to support at least 60 percent of the potential population of cavity-dependent species, the final plan was changed to support only 40 percent of the potential population of these species. This 20 percent decrease, which the Record of Decision notes will have a negative effect on the numbers of cavity-dependent species on the Fremont, was justified on the basis of only a 1.5 percent increase in timber sale levels. This imbalanced trade-off of habitat management for timber sales volume highlights the biased nature of this forest plan.

[The attached article from the Oregonian, dated August 6, 1989, "Regional Forester Retires at Time of Transition," follows:]

REGIONAL FORESTER RETIRES AT TIME OF TRANSITION

THE DISPUTE OVER OLD GROWTH AND THE SPOTTED OWL MAY DRASTICALLY CHANGE THE FOREST SERVICE'S MISSION

(By Kathie Durbin of the Oregonian staff)

Northwest Regional Forester James F. Torrence has picked a fine time to retire from the U.S. Forest Service.

Lawmakers in Washington, D.C., are working out the fine points of a compromise that protects both the Northwest's federal timber supply and the northern spotted owl. Forest supervisors are trying to figure out how to make the complicated plan work on the ground.

But Torrence is getting ready to sail his 32-foot sailboat in Puget Sound and take a wilderness pack trip into the Okanogan National Forest in Washington.

"There's no good time to retire," he said in an interview shortly before his August 3 retirement. "You'll never get it all done."

In fact, with recent developments in the spotted owl-old growth battle, he questions whether the agency ever will get back to business as usual.

I don't see any end to this argument," he said.

Torrence planned to step down at the beginning of the summer. He stayed on after the Oregon congressional delegation and Gov. Neil Goldschmidt scheduled the June 24 timber summit in Salem in an effort to solve the deadlock over old-growth timber.

Although he is frustrated with the delay in finding a short-term way out of the impasse, he agrees with environmentalists that too much timber is being cut from the Northwest's national forests.

During 34 years with the agency, Torrence served as a district ranger and as supervisor of the Mount Baker National Forest in Washington. Since April 1986 he has been in charge of 24.5 million acres in 19 national forests in Oregon and Washington. His successor, John F. Butruille, the Northwest's deputy regional forester from 1983 to 1987, will take over in September.

Torrence's departure means all three federal agencies embroiled in the old growth-spotted owl battle will be under new regional management by fall.

The turnover comes at a time when the public is demanding a much greater voice in how its public lands are managed, and when key Cabinet-level positions overseeing the agencies remain unfilled.

Charles W. "Bill" Luscher, director of the Bureau of Land Management for Oregon and Washington for the past three years, will retire at the end of August.

The U.S. Fish and Wildlife Service's Pacific regional office has been under new management since February, when Marvin L. Plenert took over as director of the agency's Pacific regional office.

His predecessor, Rolf Wallenstrom, was fired by then-agency director Frank Dunkle after Wallenstrom refused a transfer. Wallenstrom claimed he was being punished for criticizing the Reagan administration's pro-development policies, including offshore oil leasing and pollution of wetlands on a California national wildlife refuge.

For all three agencies, these are critical times. Environmentalists and timber industry leaders alike agree that public pressures are altering the mission of the Forest Service and its cousin, the Bureau of Land Management, which manages Western Oregon timberlands and vast tracts of arid Eastern Oregon mountains, deserts and rangeland.

The Fish and Wildlife Service, because it is charged with enforcing the federal Endangered Species Act, is a critical player in conservationists campaign to protect the old-growth forest habitat of the northern spotted owl. The service has recommended that the owl be listed as a threatened species and has issued new guidelines for the Forest Service to use in screening timber sales so critical owl habitat will be preserved.

Critics of the Forest Service, both outside and within, have called reforming the agency and severing its close ties with the timber industry. Both conservationists and the industry, however, give Torrence high marks for fairness and openness during a time of boiling controversy.

Torrence, a trim, academic-looking 57-year-old who wears gold-rimmed glasses, says current levels of logging cannot be sustained over the next decade.

Even the reduced timber sale volumes called for the Northwest's draft forest plans—about 4 billion board feet a year altogether, down 20 percent from current levels—cannot continue without environmental degradation.

"We can do it. We can physically do it. But we can't do it for the 10-year life of the plans," he said.

Overcutting is nothing new, Torrence said. Congress has been asking the agency to cut too much for years. As supervisor of the Mount Baker Forest, he said, he used to call the regional forester and say, "I want the harvest level lowered."

But Torrence said that protecting all the northern spotted owls in Northwest forests would cut the westside timber sale program in half—with dire consequences for federal timber-dependent mills.

The whole concept of "multiple use"—managing the national forests for a variety of uses, from camping and hiking to watershed protection and timber production—may be a casualty of the legal and political battles raging over the fate of the Northwest's old-growth forests, Torrence said.

One of his chief frustrations is that litigation over timber sales in old-growth forest has delayed completion of the forest management plans.

"My feeling is, once we get the plans out, Congress won't tell us to do more than the plans allow," he said. "I've been a champion of getting them out even in the face of uncertainty."

James Monteith, executive director of the Oregon Natural Resources Council, said Torrence deserved credit for that effort.

"He showed remarkable tenacity in getting those draft plans finished and out on the street," Monteith said. "By his willingness to accept lower cuts and to work with all the interest groups, I think he deserves a lot of credit for helping the Forest Service turn the corner in the Northwest and face reality."

Torrence was the first regional forester to solicit the opinions of conservation groups, Monteith said.

"He did more than let us in; he made overtures to us," he said. "Given all the litigation, all the appeals, he never shut us out."

Heightened public interest in the activities of the Forest Service and the increasing sophistication of the environmental movement are changing the philosophy and mission of the agency, Torrence said.

"We're a lot different organization than we were years back. When I came in we were basically foresters and engineers and a few technicians. Now we have people coming in with all kinds of backgrounds."

Torrence said it wasn't so long ago that proposals for new roads or timber sales were met with public apathy. Those days are gone, and he said the agency is better for it.

"I think the National Environmental Policy Act and public involvement have improved the quality of our decision-making."

Within the agency, criticism is coming from a fledgling group called the Association of Forest Service Employees for Environmental Ethics, founded by Jeff DeBonis, a timber planner in the Willamette National Forest's Blue River Ranger District.

DeBonis recently published the first issue of a newspaper called "Inner Voice," which charges that the agency deliberately tries to circumvent federal forest management laws and fails to listen to its owl wildlife biologists in an effort to accommodate the timber industry.

"Much of what Jeff says has some validity, but he goes too far," Torrence said. "When he says we're in the pocket of the timber industry, he simply doesn't know what he's talking about."

Timber industry spokesmen view the agency's transformation with mixed emotions.

"Somebody once said that being the director for Region 6 of the Forest Service was more powerful than being governor of the state of Oregon," said Pat Amedeo, spokeswoman for the National Forest Resources Council and natural resources adviser to former Gov. Vic Atiyeh. "For many years that was true. One of the frustrating things is that nowadays you can't really execute that power."

Amedeo said the timber industry doesn't expect the Forest Service to be its "pawn" but does need a close working relationship with timber sale planners and other front-line personnel on the ground.

Joe McCracken, president of the Western Forestry Industries Association, called Torrence "a thoroughgoing professional" but said timber industry leaders are discouraged and see little hope for long-term resolution of the logging preservation impasse.

"If we don't deal with the owl intelligently, we won't have any program at all," McCracken said. "I have serious reservations about whether our political institutions can deal with this situation."

What's needed in these times Amedeo said, is a new breed of Forest Service manager.

"The persons who are training for these jobs are mostly foresters and I'm not sure that's enough now," she said. "They need more of an understanding of public policy issues and how public policy is formed. What happened is that people like Jim have had to learn that on the job."

Senator HATFIELD. Also, Mr. Geisinger, you have told me many times that the Northwest timber industry needs certainty, and that the implementation of the plans would provide that certainty. Can you tell me how many suits and appeals your organization has filed and why you felt that a necessary step?

Mr. GEISINGER. We have filed suit on the spotted owl SEIS. We are appellants in the Siskiyou forest plan, and we are also plaintiffs in a lawsuit filed on the Wenatchee National Forest. And frankly, the reasons for filing those actions are very similar to those of the environmental community in that we felt that these were documents and plans that were flawed both in substance and in procedure and the consequences of implementing those plans would have been very damaging to our industry and its employees and the communities that depend on our industry.

Senator HATFIELD. They also add uncertainty, do they not, every time we go to court on those cases?

Mr. GEISINGER. Well, in most instances, particularly on the Wenatchee, implementation of that plan would have resulted in a very significant reduction in timber supply. And in this particular instance, we felt that some technical errors had to be corrected before that decision went forward.

Senator HATFIELD. Mr. Hair, I come back to your point that the assumption of the public is that they have a right to appeal such decisions and policy. Of course, as you know, most agencies' policy-

making activity is not appealable. This was a congressional established right that Frank Church and I drafted in the National Forest Management Act, and I would like to see more agencies subject to appeal, but nevertheless I think there has to be a consistency on that.

The Colorado storage project legislation eliminated the appeals because of the certain circumstances surrounding that project. And we have been lambasted many times for that action. I would only make the point that the right of appeal is established by law, not by the Constitution.

Dr. HAIR. I understand that, sir. And I would also point out that our rights of appeal were also eliminated as we were debating the Alaska, Trans-Alaska pipeline, and we have seen some evidence of that lately in the *Exxon Valdez* matter.

Senator HATFIELD. And I think they should be eliminated only under very limited and unusual circumstances. I have a lot of questions here, but this format is very frustrating for me. I am sure it is as frustrating for you.

The CHAIRMAN. Senator McClure.

Senator MCCLURE. Thank you very much. Obviously it is fruitless to try to just march down the line and ask a few questions of each one. I will not attempt to do that. Mr. Olson, if I understood you correctly, you do not like the public input process in the planning process; is that correct?

Mr. OLSON. No, sir. I do not believe my testimony says that.

Senator MCCLURE. You just do not like the result?

Mr. OLSON. I think what we have seen as a result of the planning process is there is a definite increase in the volume of timber that will be sold, the miles of road to be built.

Senator MCCLURE. And you are making a challenge to those results of the public process?

Mr. OLSON. I challenge the resulting timber bias that we see coming out of the final plans.

Senator MCCLURE. But that is a public process to produce those plans?

Mr. OLSON. It has been a public process to produce those plans, but I believe that the public involvement process may not be working in its entirety. And I would take exception to that.

Senator MCCLURE. I understand that. I was just trying to get at what you think if it is not the public process that produced a result you do not like. What did produce the result?

Mr. OLSON. Again, if we return to the process, there are a number of factors. Among them are the high, excessively high price assumptions that we see in many national forest plans, very aggressive price appreciation rate assumptions. Both of those factors would drive the model and the subsequent ASQ then to result in an increase in timber production.

Senator MCCLURE. Mr. Evans, you used a term that I thought was fascinating. You say we have not, if I remember correctly the term you used, we have not a failure of the planning process. We have a failure of– what was the term that you used?

Mr. EVANS. Discretionary forestry?

Senator MCCLURE. Discretionary forestry.

Mr. EVANS. Right.

Senator MCCLURE. Are you implying that what we have now is quote "scientific forestry"?

Mr. EVANS. Absolutely. In fact, it picks up on what you just asked Mr. Olson, I believe. As we see it, Senator, the problem with the public process, as you say, with all the comments in, it is filtered through the very institution that wants to cut more and build more roads anyway. To say the fox is in the chicken coop is too strong, because these are fine, reputable people.

But it is like that. So yes, discretionary forestry. Every time, and we would be glad to submit hundreds of instances of documentation on any subject you want, would be that the decision is made reflecting the overwhelming bias that Professor Twight pointed out of for logging, for road building. So the decisionmakers are the problem here, I think. They want to do it this way, and it comes out that way. I do not think the public process necessarily wants it that way.

Senator MCCLURE. The public process was not that way. It was because the public was not listened to by the people who we are talking to?

Mr. EVANS. It depends place to place. Obviously in a small logging town you get people feeling one way. In a more urban area, you get people feeling another way. Overall, I do not think—I would love to have a plebiscite of the American people about what is going on in our ancient forests right now. Most people I have talked to are outraged when they see we are cutting any big trees at all.

Senator MCCLURE. Well, I understand that, but you talk to a selective few.

Mr. EVANS. No, I would like to have a——

Senator MCCLURE. All of us do that same thing. We hear what we want to hear.

Mr. EVANS. I will talk about the whole millions, believe me.

Senator MCCLURE. I have very seldom talked to people in Idaho who did not vote for a public decision which they believed was supported by the majority of Idahoans.

Mr. EVANS. Sure.

Senator MCCLURE. And I do not talk to all the Idahoans, but nearly all of them are pretty subjective, and I suggest that is probably true here, too. Mr. Chairman, I have no further questions at this time. Thank you very much.

Senator BAUCUS [presiding]. Senator Burns, you are next.

Senator BURNS. Thank you, and I will be very brief here. Mr. Hair, I own land and maybe I want to change the use of that land, but it impacts your land downstream, or it impacts it from an aesthetic value. You want to shut me down?

Dr. HAIR. I believe in the fundamental right of private land ownership in this country. However, I do not believe as a private landowner myself, that I have the right to undertake activities on my property that denigrate the environment of others who have no ability to have a say-so in what I do. If my land management practices significantly erode the quality of life or the land of others, then there ought to be ways that society says I cannot do that.

And in fact, that is the case. You cannot do things on your property that are going to deteriorate, for example, the water quality.

Senator BURNS. OK. Thank you very much. Mr. Olson, you referred to below cost timber sales. Have you also talked about below cost recreation?

Mr. OLSON. Not in my written testimony, no, I do not.

Senator BURNS. Do you do it in any of your material and if not, are you honest with your constituency or your members?

Mr. OLSON. Yes, we sure do. We recently published a report that talks about recreation and recommends that recreation pay its way, and we have produced a report earlier this year that says the same thing. We are in favor of uses on the national forests paying their way.

Senator BURNS. Do you also mention that in your advertising when you advertise for new members? You want user fees for all wilderness users; is that correct?

Mr. OLSON. We would be in favor of the wilderness recreation user paying fees to support that opportunity. We would be in favor of the campers paying fees that would support the camping program on national forests. Yes.

Senator BURNS. Thank you. That is all I have, Mr. Chairman.

Senator BAUCUS. Thank you. Mr. Riley or Mr. Geisinger you heard Dr. LeMaster say in his view timber shortage at least in region 1—I am not sure about 6—is due not to the process, that is appeals, but rather to the number of laws that now exist. I guess the National Environmental Policy Act, NFMA, maybe Endangered Species Act, et cetera. Do you agree that if there is a timber supply problem that it is due not to the process, excessive, frivolous appeals, et cetera, but because of the nature of the various laws that tend to restrict the amount of timber that otherwise would be available. Start with you, Jim.

Mr. RILEY. Let me answer that in two parts, if I might, Senator. The first is that the short-term problem we find in Montana—the reason why all those little green signs are out there is because of actions through the appeal or judicial system which has caused the short-term disruption in the program. Whether those are frivolous or not is a discussion you and I have had in the past. I will not get into that now.

Senator BAUCUS. So you do not think he is correct?

Mr. RILEY. Well, that is correct. I disagree with Dr. LeMaster although I am not sure I understood him to say exactly that myself. But on that point, the Forest Service in region 1, I think, in fiscal year 1989 on the Flathead National Forest, as you pointed out yourself, only achieved 25 percent of what they set out to do. That is not because of any laws that constrain them to that level.

Senator BAUCUS. But rather it is due to what?

Mr. RILEY. Rather it is due to the inability, as I understand of the Forest Service, to find a way to either reach unanimous consent, or to manage their way through the administrative and judicial review processes, so they could bring the other 75 million board feet which was scheduled for this year on to the auction block and sell it.

Senator BAUCUS. So it is due to a judicial review process which is unnecessarily cumbersome and burdensome rather than due to say the Forest Service's failure, if you will, to adequately address statutory policy as provided by the Congress?

Mr. RILEY. I think that is right. Simply you have a forest planning process that requires plans be revised on a 10- to 15-year cycle. You have an administrative appeals process that takes 4 to 5 years to complete. You have a judicial review process that follows that takes 4 to 5 years to complete. You are always in dispute resolution. You never finalize the decision.

Senator BAUCUS. OK. Let me ask Mr. Evans this question. I am trying to distinguish to the degree I can, maybe artificial between substance and process here. If it is true that the process is the problem and not substance—et me state it differently—do you think that there is a time, sometime to cut off the right of somebody to challenge a Forest Service decision, whether it is adopting a plan or a timber sale. That is once we go through the planning process right to public participation, et cetera, you go through all the hoops and steps and so forth, and then after the plan is finally put out and adopted, then somebody else who had an opportunity to, say, appeal administratively or who had an opportunity to comment or who did not do so for whatever reason, somebody out of the blue comes in and files for District Court, you know, asks for an injunction, for a preliminary hearing, injunction to stay the operational plan, do you think that is going too far? That at that point if that person did not participate, he had an opportunity to participate at various levels, should still be able to file that action and stop the decision that was otherwise made?

Mr. EVANS. Well, on the narrow point there, I think there are legal principles, Senator, that governs laches and exhaustion of remedies and things like that, and we try to participate in all these instances where we think there might have to be litigation later on so we are covered that way. I think that is fair.

I think we feel just as Mr. Hair does, that very strongly, that the citizen has to have a right to challenge these things and force the agencies to obey the law. I would say, by the way, I think substance is the problem here, too. The decisionmaker here is not an impartial umpire just calling balls and strikes between opposing parties, as far as we are concerned. The decisionmaker has a great stake in the outcome and wants to get the logs out and that is the mission, and that is what we document. But that being as I said, the key thing I think on cutting off appeals or speeding them up or whatever it is, is that every citizen has to get his or her day in court, has to have the right to be heard and in a fair manner.

I do not know whether that is 15 days or 15 years. The point is, is there going to be enough time to present the evidence, present the arguments and get heard in an impartial forum where you think you are going to get a fair shake?

Senator BAUCUS. But do you think, so far as the person has the right to have his or her day in court, that there has to be some finality, some point at which we cut this off so that a decision is made? I tell you the problem I have. I think to some degree we are allowing the best to be the enemy of the good. We are seeking perfection at that instant, which is an impossibility. That we will meet another day. Congress will meet another day. There will be another day. And I think that to great a degree we are trying to achieve too much perfection in any planned sale, et cetera. We are not allowing, given the best information we have, to make a deci-

sion, a balanced decision, and then go on, live with it, and if we make mistakes, we make corrections.

And I know some of you are going to jump in and say, well, sometimes these mistakes are irretrievable, it is nature and so forth. I understand all that, but with due sensitivity even to that point, it just seems there is a point where you finally make a decision and then move on and then make some corrections and adjustments as we go on. I think that everyone will be better off the more we understand and follow that way.

Senator HATFIELD. Would the chairman yield at this point? With the tolerance of my colleagues, I would like to ask Mr. Evans, do you think that filing 250 timber sale appeals within a couple of days, some on sales that have already been cut, others that are in the process of being cut, do you think that is in keeping with every person's day in court, or do you think that perhaps borders on abuse?

Mr. EVANS. I think it depends here again on the circumstances, Senator. I do not know that case in detail, but I think I know enough about it to say that those who filed those appeals had no more time to do anything else. They would have preferred to do something else. They could not examine anyone. They could not get the information from the agencies. I do not think that is abuse of that end of it as much as it is a failure of the operating agency to get the information out to make a rational decision on it.

Senator HATFIELD. Well, I do not think those are quite exactly the circumstances.

Senator BAUCUS. Senator Gorton.

Senator GORTON. If I understand Senator Baucus' interpretation of earlier testimony, or right here, I think, Mr. Riley, I would disagree with you. I believe that the fundamental problem and frustration is the substance of the law, at least as its interpreted by the courts in a number of cases. My concern about the process is when the process is used as frivolously as Senator Hatfield sometimes examines.

So because our time to question is so short, I am going to ask two questions in one speech, and ask each of you who wishes to comment on it, to do so. The least important of those questions relates to the process. Do each of you agree that the challenger, that the court plaintiff in these cases, whether it is Mr. Geisinger or Dr. Hair, should be liable for the damages which his organization causes to others if it turns out that the court finds that his position on the law was wrong, or should they just be able to walk away, leaving those damages to be covered by the victims who have not been able to engage in whatever activity it is the Forest Service proposed for them?

But beyond that, and the more important question that I would like you to think about, answer here if you can, and answer later if you cannot here, is the reason that I started with the preface that I believe it is the substance of the laws which has led us to so many of these procedural problems is that as one looks at the laws relating to the management of the national forests they include so many inconsistent goals. And each of you here has one of those goals which is primarily your own, and you look at the tradeoffs as being quite different.

Would it be appropriate, would you recommend to us that we do something quite different with respect to the substantive law? Would you be able to take the various forests in region 6 or for that matter in any other region in the country and say that a certain share, a certain percentage of the land in those forests should be managed primarily for the production of timber so that any appeal in that connection would only have to do with direct timber management problems? That certain other percentages of it, which we have already done, would be held aside and preserved as wilderness, and that certain other percentages of it would be primarily used for some other purpose, whether it is water quality or intensive recreational uses, uses not compatible with wilderness.

Could you come up with, could we come up with a percentage of each of these national forests which could primarily be managed for timber production, which would be sufficient to provide for a reasonable timber based economy in communities which have been accustomed to that, either in region 6 or in any other region of the country? Or is it the view of those of you who are from the environmental side here that every acre in the national forest should be subject to some kind of claim on your part which is inconsistent with logging and timber production?

Dr. HAIR. Well, let me start.

Senator GORTON. Either or?

Dr. HAIR. I will address both of your questions, Senator, in writing with a more substantive response. But let me go to your first question very briefly. I really think we have legal mechanisms to handle those situations where people file malicious or frivolous lawsuits and that these suits can be dealt with under these procedures if my group or someone else does that.

As to the latter question, I should put this into context. Before I joined the staff of the National Wildlife Federation, I was a professor of forest resources at North Carolina State University so I have had some professional background in dealing with the issues of multiple use and sustained yield, and I really believe that from a professional point of view. And I think in the context of what you are asking, what we have to do is look at each national forest in the context of where it resides regionally and what the land use practices are within a particular region.

I just, in the last 10 days, spent several days in your State as a guest of Weyerhaeuser visiting their properties. And as far as intensive management to manage land for the production of fiber, in this case trees, they do as good a professional job as anybody can do. So in your State, Senator, I think we would have to look at what the goals were in terms of production of fiber, both privately and publicly, before I would be willing to take some of the old growth remaining in Washington and saying that that could be liquidated and put into a tree farm by the Forest Service or whomever.

So it is not a question that I would reject out of hand of addressing what you are talking about, but I think it is more complicated than just looking at public lands. I think it has to be looked at in the context of both public and private land, Forest Service and BLM.

[Further written response of Dr. Hair follows:]

Question. Senator Gorton's questions (pages 183-185 of transcript): (A) "Do each of you agree that the challenger, that the court plaintiff in these cases . . . should be liable for the damages which his organization causes to others if it turns out that the court finds that his position on the law was wrong . . ." and, (B) "Or is it the view of those of you who are from the environmental side that every acre in the national forest should be subject to some kind of claim on your part which is inconsistent with logging and timber production?"

Response (A). The American legal system has mechanisms to address frivolous lawsuits and suits that are brought in bad faith with the intent of using the system to cause another party injury. If, for example, the National Wildlife Federation brought suit against the government in bad faith, with the intent of obstructing a timber sale on a spurious legal argument, the timber industry would have the right to sue the Federation for damages. The provision, however, that damages be awarded if the plaintiff's position on the law is not sustained by a court's decision would discourage legitimate cases and undercut citizens' involvement in the legal process. Private citizens and environmental groups challenging Forest Service timber management activities are not awarded damages if their legal cases are successful, and they should not be penalized if they have participated in the legal system in good faith challenges of agency activities.

Response (B). The National Wildlife Federation believes that timber management and harvesting are a legitimate use of our national forests. Timber harvesting, however, must be conducted at sustainable levels that protects the productivity of all forest resources. Currently, in the Pacific Northwest however, timber sales are proceeding at unsustainably high levels. The timber industry has largely liquidated old growth inventories on private lands, and unless the limited acreage of ancient forests remaining on public lands receive adequate protection, the final remnants of this complex ecosystem will be destroyed. Even without any additional protection, however, the remaining ancient forests on public lands are simply too limited to support historic levels of harvesting. The timber industry now faces the reality that the large, profitable, old-growth trees will no longer be available. The industry must prepare to make these changes; unless we begin to plan this transition now, there will be even more environmental degradation and human suffering in the future.

NWF believes that the appropriate forest management strategy for the Pacific Northwest includes the permanent protection of a major portion of the remaining ancient forest ecosystem.

Although current inventory data is inadequate, we estimate that between 2-2.4 million acres of these forests remain. In addition, a greater emphasis on the sustainable harvesting of second growth timber is necessary. The Forest Service has overlooked opportunities to manage second growth forest stands as it has pursued the logging of ancient forests. Emerging forest management techniques, such as the "New Forestry" concepts proposed by Forest Service research scientist Jerry Franklin, also hold promise for improved forest management in the region. NWF would support a plan that protected a significant portion of the remaining ancient forest ecosystem, while providing for sustainable management of remaining multiple-use forest lands.

Mr. GEISINGER. Senator, I appreciate both those questions. The answer to the first one is yes, I do think that plaintiffs should be held accountable in the event that they——

Senator GORTON. Including you?

Mr. GEISINGER. Including us, yes. We normally are held accountable for our mistakes in the industry. But to get to your second question. I think it is a very intriguing one. You know when my colleagues on the environmental panel here go to bed at night, they can rest easy knowing that the land that has been set aside for wilderness or national monuments or national recreation areas or national scenic areas is going to be there when they wake up in the morning. The land that has been allocated by the Forest Service to timber production is vulnerable to appeals, litigation, new legislative initiatives and when we go to bed at night we have nightmares about what we are going to find in the paper in the morning.

So I think there is some merit to providing some kind of legislative or statutory stability to the land that is going to be managed for timber. But before I would be willing to accept that concept, I would ask both the Forest Service and Congress to reassess just what they want the role of timber production to be on these forests. In your national forests in the State of Washington, for example, we think that the draft forest plans are proposing an utter catastrophe.

On the Mount Baker National Forest, Mount Baker-Snoqualmie, 17 percent of that 2 million plus acre forest is going to be managed for timber production in the draft plan. On the Okanogan it is 18 percent. On the Wenatchee, 12 percent. On the Wallowa-Whitman in Oregon, Senator Hatfield, 6 percent of the entire national forest is what has been allocated to timber production. We do not view that as being timber bias. We certainly do not think that these people who prepared these plans are the dupes of the industry, as I heard earlier this afternoon.

And these are plans in two States, in Oregon and Washington, where the economy is supported to the tune of 44 percent in Oregon and 28 percent in Washington, and these are the kind of draft plans that are being proposed. So no, I would not want that idea employed on these plans, but if we could ever get some balance restored as to how the timber resource is going to be managed relative to other resources, then I would think it would be a good idea.

Mr. EVANS. Mr. Chairman, with your permission could I give a quick response?

Senator GORTON. Well, I have the right to have all of them answer, do I not, Mr. Chairman?

The CHAIRMAN. No. [Laughter.]

The CHAIRMAN. We have been about as flexible on time and everything else in this committee as is possible. Senator Gorton, if you want anybody else to answer, feel free.

Senator GORTON. If they want to.

The CHAIRMAN. Yes; the importance of this panel is its different views. So please, Mr. Evans, feel free.

Mr. EVANS. Thanks. The second point is an intriguing one, Senator. In fact, in effect you might be saying what about giving definite statutory protection to timber management kind of areas on the public lands. To speak to Mr. Geisinger's point I have to say, Jim, that we go through years and years of nightmares before these areas are protected, and there is a lot of agony and a lot of sweat wondering what you are going to do to them in the meantime. And that is how it goes. And that is the way these debates go.

That being said, it is true that once an area is protected from our standpoint, we feel safer and better about it. Our perception is, and it is growing among many of our people, Senator, that perhaps the time has come to think about drawing lines around logging areas, and I would assume water quality would be protected and things like that, some elemental principles that I think even the industry would agree to, but with one condition. And that is they go through what we go through to get these areas protected.

Let them draw lines. Let them come to you as we have to do. Let them debate it out in the public, in front of the public eye. Let

them get the House and Senate floor votes on wilderness areas that we all have to do, and then we will have a fair allocation I think we can all live with. Because it will have been sorted out and examined in the public eye the way it should be because these are national forests. That might be a way out of this to give the industry the certainly that they think they want as we have had to struggle to get the certainty we want on some places.

Mr. RILEY. Senator, I would say briefly on your first question I very much agree with the notion of damages and being liable for those damages. We have talked a lot about the right of everybody to be in court. I would mention that the one person who has a difficult time getting their day in court are the 100-plus people who are out of work today because of the sweeping injunction that has been in place for 3 years on the Yaak drainage of the Kootenai National Forest. They had no opportunity to be present in court and to defend their interest.

The second question as far as dedicated land use goes, in our part of the world, in the Intermountain west, I think that the science will tell you—to the extent that we care about science anymore for the national forest management—the science will tell you that we can produce more of everything for everybody if we manage under the multiple use concept. It does not mean that you get 100 percent wildlife, but it means if you manage for 80 percent of your wildlife and 80 percent of your timber, you have more of everything for everybody than you did if you set aside acres and dedicated some to wildlife and some to timber management.

And I think the science will tell you that on most multiple use management questions in the Intermountain west. However, I would say that the impasse over resolving the multiple use management questions has led me personally to conclude that maybe we would be better off to avoid the dispute resolution costs, if you will, to undertake what Mr. Evans calls the New Zealand solution, or what you are suggesting here is just we dedicate areas for a specific purpose and go forward.

I would also note with some degree of interest there that the wildlife management in the Intermountain west, given those lands that they were to manage for wildlife would probably cut a substantial amount of timber if they truly cared about elk herds and those sorts of things.

Senator MCCLURE. But was that not what was done with the Tongass?

Mr. RILEY. I am not entirely familiar with the principles of the Tongass, but yes, the problem has been on the Tongass and deals that are made elsewhere, you know, we can talk East and West Meadow Creek, if you would like. We will set this area aside and we are going to manage this area for timber, and then go forward. And those deals do not seem to have the integrity of time that deals do to establish wilderness areas.

Let me just lastly say that we would be substantially strengthened in this whole debate if the Forest Service was as truly as biased as Mr. DeBonis and others have alleged they are. I only wish that was the case, and would just offer in closing that that is not what we see.

Mr. OLSON. If I may, the Wilderness Society will submit a more detailed answer to your questions, but I think in response to your second question, if we look at the NFMA provisions for taking a look at uneconomic timberland and excluding that from the timber base and actually require the Forest Service to do that in their planning process, if the provisions to maintain viable vertebrate species are the mandate under NFMA, to maintain viable populations of vertebrate species are lived up to, I think a lot of the problems that we are currently dealing with in the planning process and in national forest management would be much reduced. And so I am not sure that it would be necessary to go to a dominant use kind of management philosophy on the national forests.

[Further response from Mr. Olson follows:]

The Wilderness Society believes that it would be inappropriate to require plaintiffs in environmental, public interest lawsuits in the event such lawsuits fail.

Environmental lawsuits involve challenges of Federal decisions affecting the management of public resources. These lawsuits are not pursued for financial gain, they are pursued in the public's interest in the management of public resources. Congress has given the public the right to challenge the actions of Federal agencies to ensure such actions comply with Federal laws.

Mrs. BAKER. I would almost like to pass. I think we have heard some good points on this. I do have some reservations, though, I will say with regard to your second question. I have some concerns since the science of forestry and the forests are changing over time. If you put a circle around something constantly changing, I do not feel like it allows us to relook at it and even use it for something else later. I might have a little bit different opinion than others here today, but I do not feel as comfortable saying that this is the way we ought to go.

Senator GORTON. Thank you for your indulgence, Mr. Chairman.

The CHAIRMAN. It is quite all right. I want to give Mrs. Baker a chance to answer another question if I might. Sixty percent of our Nation's commercial timberlands are found on private timberlands, approximately 60 percent. Now if there is more pressure, and there appears there will be more pressure, for Federal timber supply reductions to what extent can private lands take up the slack? Have you looked at timber supply from a broader perspective?

Mrs. BAKER. Not in detail, but we have talked about it. I have read some things on that, and there are some problems. You have to define commercial forest, first of all, and it is not always people's objectives to necessarily cut timber on their lands. You have more pressures for all sorts of lands. More people coming in and buying second homes, et cetera. So you do increase a demand problem, and I do not think you can necessarily shift as well from public to private, and I think that will be a problem in the future.

The CHAIRMAN. What if we gave some incentives? And let me lay out some ideas. There will be a forestry title in the 1990 farm bill, and one of the things I want to put in that are some programs and incentives for private landowners to manage their forest lands.

Now choices often do not come this simple, but if they did, what would be more important to your members, technical and financial assistance to State and private forest land owners through a forestry title or Federal forest management dollars such as road construction?

Mrs. BAKER. I would say it would be a varied answer.

The CHAIRMAN. It would be what?

Mrs. BAKER. You would have a varied answer. You would have some——

The CHAIRMAN. OK. Anybody else want to comment on having such a forestry title in the 1990 farm bill incentives?

Mr. OLSON. If I may?

The CHAIRMAN. Yes, sir.

Mr. OLSON. If we look at the nonindustrial private sector, I think one of the problems that that sector has to face is the economic incentives, possibly through the tax code—loss of the capital gains provision 2 years ago is an example of that—and I believe that economic incentives to promote better forest management on the nonindustrial lands would be warranted. The nonindustrial sector in the Pacific Northwest is a sector that is currently supplying just 5 percent of the total timber harvest in that State. They are harvesting just 36 percent of their growth. And I think in the Pacific Northwest particularly, there is a tremendous opportunity to encourage better forest management in that area.

The CHAIRMAN. Dr. Hair, did you want to address this question?

Dr. HAIR. No.

The CHAIRMAN. OK. In some ways, all of you probably feel like you are at auction, you do not dare wave or stretch, or you may get called upon.

I once—I want you to know this happened Mark. They were having a charity auction on the front lawn of the State House in Montpelier, VT. I had just finished law school, with the usual degree of law school impoverishment, and there was some item that was at that point up to about $200, which to a kid just out of law school was an absolute fortune. I think grossly overvalued. It was about a $20 item, and I saw somebody I knew and waved. They said we have $200 here and it started going, going, going, and somebody said $202. They turned back to me, you go more than that? I said, nah, that is OK. [Laughter.]

Let me suggest this. We will keep in touch with you on this kind of a forestry title because I think we have to explore the possibility. I realize that there will continue to be the pressures on our Nation's national forests. But, let us look and see if there are some solutions. Let us see if there are some solutions that can be appealing. I do not suggest that a forestry title will solve all the problems, but it may be a partial solution, something that might be appealing to all parties involved.

We are just beginning to work on this. I would ask you to be thinking about it, as we will be asking you more questions along this line in the next few months. Are there any other comments?

Senator HATFIELD. Mr. Chairman.

The CHAIRMAN. Senator Hatfield.

Senator HATFIELD. May I first of all thank you and Senator Bumpers for holding this hearing today. I commend you both for taking this leadership role, and I am very grateful for those who have come to testify because I think each has certainly added a bit of wisdom, perspective, and dimension.

May I make one observation? Today we have had the so-called experts in the management field represented by the Chief Forester.

We have heard from the academicians, Dr. Sample, and Dr. LeMaster. And we have heard from industry and we have heard from the environmental community.

One could be a little bit cynical and say we have heard from those who profit from the forests and we have heard from those who represent constituencies that have single interests, aesthetic and otherwise. But we have not heard from the American people most directly concerned and involved. Let me introduce the social dimension to this problem. I believe we ought to have a hearing in which we have housing experts—some of those people I met with recently when they marched on Washington asking for affordable housing.

And I would like to hear from some of those people that we call the homeless about which we make great pontificating speeches on the floor. Get them in here and let's hear about the impact upon their lives of how the balanced forest plans, that include production, affect their hopes and their dreams and their needs. We have heard from a very exclusive group of people today that represents a very small part of the total population.

We have heard from people who have vested interests, not to be critical of those interests because we all have vested interests of various kinds, but I want to hear from the people who will suffer the consequences or who have interests vested in their own needs and in their lives. We might entitle this the social part of this problem. We have not heard from them, and very seldom do we hear from them because we let ourselves get polarized too frequently between the profiteers on one side, as they may be cynically called, the industry, and the people who want to see these resources for other uses, competing uses.

And frankly, I have not met very many poor amongst the people you represent, Mr. Hair.

Dr. HAIR. You have not been to one of our annual meetings. We have a lot of folks who work hard for a living and work in the forest.

Senator HATFIELD. Oh, I am sure of that. I am sure of that. But I am talking about the people who are homeless. I do not know many Sierra Club or Wildlife Federation or Audubon members who are homeless out there on the streets, and yet those people are impacted by this. We also need the housing experts who could say to us, here is a renewable resource that produces the most energy cost efficient product for homebuilding. And my friends, let me assure you again, as the chairman knows and my colleagues know, this is no longer just a problem of the poor having housing in this country.

It is now the middle income, the middle class, who are increasingly confronted with whether they can find housing or afford housing. And it is people living in cars with children who are the homeless and not just the so-called alcoholics and bums out there that we like to think of as maybe typifying all the homeless. We have people out there with families. That is the largest growing part of the homeless population. So I am just suggesting, Mr. Chairman, to round this out, to get the full impact of the national significance of this issue, it is not just region 6, and the laborers who depend upon the forests for jobs in my State. I represent those

workers as well as those who like to see special categories set-aside, categories that I have led the battle in helping to create, whether it is wild rivers, or whether it is wilderness or whatever it is. However, I think this is a national issue and one in which we have to get that dimension here to get a full understanding of our job in voting. Especially when people like my friend down there, Brock Evans, suggests that we micromanage the forest. Sure, I can cast an environmental vote for something in Wisconsin, and the rest of the country could sure cast an environmental vote to lock up the forests in region 6.

I could easily have voted to preserve the snail darter down in Tennessee; it did not impact on my constituency. I just think that when we get into this kind of micromanagement or even recommendations for it, we better get the total picture out here and not just a couple of interest groups which tend to represent very definite vested interests.

The CHAIRMAN. Let us say that this hearing is a beginning, and it has been a good hearing. We have gone several hours over the time that we had suggested, but I think that was because of the Senators and witnesses interest. I hope, as I have told Senator Hatfield and others, I hope as chairman of the Agriculture, Nutrition, and Forestry Committee, to go out to the Northwest on my own, and spend a couple days visiting out there.

Senator HATFIELD. Sound the bugles or let you come incognito?

The CHAIRMAN. I think I may come incognito. No, I will come just to listen. We did this in Vermont, and as I said earlier, I realize there are big differences. But what we did in the Green Mountain National Forest in Vermont is fairly significant, and you have to live there, be born there and raised there, to understand just how people feel about property, Vermont property lines, uses and so on. And there are a lot of jobs involved there too.

We were finally able to get everybody holding hands. Nobody received absolutely everything they wanted. I would hasten to add that. But now everybody looks back and says what a brilliant solution, even the ones at the time who were grumbling that they did not get all they wanted. Now, let us proceed with this and let me carry on the conversations about the forestry section in the 1990 farm bill. We will, I suspect be having further hearings.

The Senator from Oregon raises a very good point on the whole question of housing. And obviously this committee, the Agriculture Committee nor the Energy Committee, is going to answer that issue. But Senator Hatfield does raise the fact that this is now becoming a national issue.

I was raised in a family where you had drilled into you that each generation does things to make it better for the next generation, and each generation builds on that. Certainly the Leahy generations from the early 1800's on have done that. But now I see generations coming on, wondering what percentage of our forest lands might remain in our next generation? How can we slow the decline for future generations? I hate to think what legacy this generation leaves.

Senator MCCLURE. Mr. Chairman, there are undoubtedly a lot of different dimensions which need to be considered, but one which has just struck me so glaringly is there is no one in the Senate of

the United States who has spent more time nor given more attention to the question of rural decline than has our chairman. And rural community development, the preservation of small communities is a matter of national urgency in my view. And yet here we are in one area in which rural communities are dependent upon a single resource, in many, many instances with no alternative for their survival. It seems to me that one of the great dilemmas that we have as we seek to preserve rural communities we run directly into conflict with other resource allocations.

And somehow we need to work that into our equation here. I do not know how many communities there are sprinkled out through Montana, through western Montana, through northern and all over Idaho, throughout the States of Oregon, Washington, and Montana, Utah, Nevada, Arizona, New Mexico, which will simply dry up and go away if they do not have access to the renewable resource on the public lands that surround them. And while we talk about rural development, when we talk about the plight of small communities, this is very significant in at least part of the country. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Baucus.

Senator BAUCUS. Mr. Chairman, very briefly I want to echo the point of Senator McClure. Second, I would say to the various people, both witnesses here and others, to perhaps think about incentives for negotiation settlement. A trial judge can help encourage settlement, pretrial—not at pretrial——

Senator MCCLURE. But he has the authority.

Senator BAUCUS. That is the point. What I am trying to get at is one way to help resolve some of this is to eliminate some of the process problems if we could develop some incentives. They would have to be significant to encourage early negotiations and settlement. I hope that we can think about that.

The CHAIRMAN. Max, I think you raise a good point. I was about the most active trial attorney in my State before I went in the Senate. Fortunately I was or I would not be able to afford to be in the Senate. Sort of the old joke about the farmer winning the lottery and getting a large amount of money, and they asked what he was going to do. He said I love farming so much I am going to keep right on farming till it all used up. Well, it is the same thing here. I will just keep on here till it is all used up.

But I know one thing I learned, and I learned very early on as a trial attorney, and I used to tell clients, I used to tell them that no matter how much you have to gain on a settlement among the parties, 9 times out of 10 you are a lot better off having settled the case because then you will at least have a chance for all to come out partially winners. If you go all the way, there is only one winner and everybody else loses.

Senator BAUCUS. That is why we need to find incentives because the process is no different than it is.

The CHAIRMAN. Well, let us not hold up these folks for this, but let us discuss that further. We stand adjourned.

[Whereupon, at 6:20 p.m., the committee adjourned, subject to the call of the Chair.]

[Material submitted for inclusion in the record follows:]

APPENDIX

PREPARED STATEMENT OF F. DALE ROBERTSON, CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, DC

Mr. Chairman and members of the committees:

In 1975 and 1976, the Senate Committee on Agriculture, Nutrition, and Forestry and the Senate Committee on Interior and Insular Affairs played a major role during the consideration of legislation that resulted in the National Forest Management Act of 1976 (NFMA). October 22 marked the 13th anniversary of this important legislation.

I am accompanied today by George Leonard, Associate Chief of the Forest Service. We welcome this opportunity to participate in your review of the NFMA planning process.

First of all, I believe a clear distinction needs to be made between (1) the *planning* process under NFMA and (2) the *implementation* of the resulting plans under the requirements of NFMA and other laws.

NFMA gave us a major challenge to develop a land and resource management *planning* process—with full public involvement—to be used in making critical decisions about the management of the National Forest System. Although it has been difficult and costly, I believe we have met this challenge reasonably well, and I think our plans for management of the National Forest System are better as a result of NFMA. I believe that—working with our publics and the Congress—we have developed balanced plans for our forests and rangelands within the framework of NFMA.

However, there are restrictions and roadblocks in the way of plan *implementation* that we need to work on together. Our efforts to achieve balanced management—during both planning and implementation—will be helped along if everyone approaches the challenge in a cooperative and reasonable way. Multiple use requires a willingness to share the national forests to achieve a variety of uses and values. What we need is more cooperative "give-and-take" among those with conflicting needs and desires.

I will conclude my testimony with additional thoughts on both the planning and implementation aspects of the NFMA process. But first, I would like to briefly describe how we have implemented the NFMA planning process and how we are responding to changing conditions and public needs as a result of this planning.

IMPLEMENTING THE NFMA PLANNING PROCESS

Before NFMA, each unit of the National Forest System had a collection of "functional" plans for each major resource use. These plans were typically developed at different times, without much interdisciplinary coordination, and without much public involvement. Since 1976, following the process outlined in section 6 of NFMA, we have developed an integrated, interdisciplinary planning process that emphasizes public participation in developing, reviewing, amending, and revising a coordinated plan for each unit of the National Forest System.

Regional Guides in each of our nine regions provide national and regional direction for the forest planning process. These guides ensure that a consistent approach is followed throughout each region. However, each forest has considerable latitude—working with the public—to prepare a plan that meets the resource and public needs of that particular forest.

Of the 123 plans to be completed, 97 have been finalized, 25 are in draft form, and 1 draft is being prepared. Over 1 million people have participated in the NFMA planning process—probably one of the largest "grassroots" efforts ever undertaken by a Federal agency.

Now that most plans have been completed, we are placing more emphasis on implementation, monitoring, and evaluation of the plans. We are working with the public to monitor how well the plans are actually being implemented out on the ground. As changes are needed, plans are being amended to ensure that they continue to be the dynamic and meaningful documents that NFMA requires.

Strengthening Our Approach as the Process Has Evolved

Three major changes in the way we approach the planning process evolved as we implemented NFMA and responded to appeals and litigation.

TWO-LEVEL DECISION PROCESS

Many people—including Forest Service people—initially expected that each forest plan would include all of the decisions about resource allocations and management direction for that national forest. Based on the courts' interpretation of NEPA, we now understand that forest planning must follow a two-level decision process involving both programmatic forest plans and specific project-level decisions.

At the first level, forest plans provide programmatic direction by:

—outlining a vision of how the forest should be managed under multiple-use goals and objectives;
—establishing management prescriptions (and standards and guidelines for applying those prescriptions) on the entire forest or large management areas of the forest;
—identifying lands suitable for the production of timber and other commodities;
—determining the allowable timber sale quantity; and
—describing monitoring requirements.

Each forest plan projects planned levels of multiple outputs and services. These projected levels are planned, but not guaranteed. As I will discuss later, the rate of plan implementation and the mix of projects carried out under the plan are dependent on national priorities as reflected in the annual Federal budget process. Implementation is also dependent upon achieving a reasonable public consensus so that appeals and litigation are minimized to the extent possible.

At the second level, project plans provide site-specific design and environmental analysis for specific activities. The forest plans provide crucial overall decisions and direction that are the basis for more specific decisions on activities and projects. We are planning to propose revisions in our forest plan implementation regulations (36 CFR 219.10(e)) to clarify how project level decisions relate to decisions and direction in the forest plans.

NEPA COMPLIANCE

The environmental analysis and documentation requirements of the National Environmental Policy Act (NEPA) are important to programmatic planning at the forest level and specific activity planning at the project level. The Environmental Impact Statements that accompany forest plans are programmatic documents that do not ordinarily address the environmental effects of site-specific projects. Before we make a project decision, we identify the significant environmental consequences related to our proposed actions. We inform the public of these consequences and how we considered them in the decision process. Project-level environmental analysis is tiered to the forest plan EIS to avoid unnecessary duplication.

Recent administrative appeals and litigation have made it clear that, in some instances, we could and should have done a better job with regard to NEPA compliance. Of course, we also have many success stories when it comes to NEPA compliance. But we decided that, overall, we could and should do better. So, this spring, we launched a major effort throughout the Forest Service to strengthen our NEPA compliance. This included four regional training workshops. About 600 employees attended these workshops, including nearly all of the Forest Supervisors. We are committed to doing a better job of NEPA compliance.

ADMINISTRATIVE APPEALS REGULATIONS

It also became apparent that we needed to improve our administrative appeals process in order to more quickly resolve disagreements about decisions made during the planning process. Our new regulations (36 CFR 217, adopted January 23, 1989) allow the public to challenge Forest Service decisions on their merits while, at the same time, providing a more timely resolution of appeals related to both forest plans and specific projects. Any person (except Forest Service employees) or any non-Federal agency or organization may appeal forest plans and project decisions

under 36 CFR 217. After we gain more experience with these new regulations, it may be necessary to consider additional changes.

Linking the NFMA Planning Process With RPA and Annual Budgets

The Forest and Rangelands Renewable Resources Planning Act (RPA) of 1974 requires the Secretary of Agriculture to periodically assess the status of the Nation's forest and rangeland resources and to recommend a long-term Forest Service program for their management and use. The assessment is updated every 10 years, and the program is updated every 5 years. We are in the process of finalizing both the 1990 assessment and program for release early next year.

NFMA amended RPA to include the forest planning process. The rate at which the forest plans are implemented—and the exact mix of projects carried out under the plans—are, of course, dependent on the annual Federal budget process. Taken together, then, we have a planning hierarchy for the National Forest System with five interrelated components:

(1) The RPA program sets long-term national direction.

(2) The Regional Guides set long-term regional direction for forest planning and provide the link between the RPA program and the forest plans.

(3) The forest plans provide programmatic direction for a 10- to 15-year period.

(4) The project-level decisions provide direction for site-specific activities.

(5) The annual budget process provides funds for implementation of the forest plans and project-level activities as well as special initiatives in support of the RPA program.

The degree to which forest plan information was used in the development of the 1985 RPA program was limited, since most of the forest plans were not completed at that time. Planned resource output targets in the 1985 RPA program were allocated to the regions which, in turn, allocated the targets to the forests. These 1985 RPA targets were used to develop one of the alternatives considered during the forest planning process.

We believe we are in a much better position for the 1990 program. Most of the forest plans are completed now, many of the later plans are stronger than the earlier ones, and data from the forest plans are being used extensively to develop the 1990 program. One of the five long-term strategies being considered represents full implementation of the forest plans.

The Regional Guides will continue to be the linkage between the 1990 RPA program and the forest planning process. However, national program guidance from the 1990 RPA program—rather than an allocation of resource output targets—will be used as the Regional Guides are updated. We believe this approach will provide a more realistic and flexible linkage between the RPA program and the forest plans.

The forest plans are strongly linked to and dependent on the national budget process. As we develop our annual agency budget request, we carefully consider the needs documented in the forest plans in light of competing agency priorities and constraints. Ultimately, the rate at which we are able to implement each plan—and the relative emphasis given to each component of the plan—reflects national priorities and constraints that are resolved as the President proposes a budget and the Congress appropriates funds.

Critiquing the Process

We are now conducting a comprehensive critique of the land management planning process based on our experience over the last 13 years in implementing NFMA. Participants include representatives from a wide range of interest groups, universities, industries, and governmental agencies as well as Forest Service employees. Six major questions are being considered:

(1) How useful are the forest plans in managing the national forests?

(2) How effective is our planning process in helping decisionmakers select a preferred alternative for management of the national forests?

(3) How effective is our public participation process?

(4) How effective is our administrative organization in carrying out the planning process?

(5) How effective are our analytical tools, procedures, and information in supporting the planning process?

(6) How effective is our coordination with other agencies and Indian tribes during the planning process?

The critique, to be completed by early next summer, will make recommendations about how we can improve our planning so that it is even more responsive to current issues and to issues we see on the horizon. We believe the critique will provide

a lot of useful information for the Congress to consider as you evaluate the NFMA planning process.

Making Choices Using the NFMA Planning Process

Our mission is "Caring for the Land and Serving People." We care for the Nation's forests and rangelands. We serve the needs of the people who own them. Our management philosophy is based on the principles of multiple use and sustained yield—a philosophy that has been repeatedly reaffirmed by Congress. The Multiple-Use Sustained-Yield Act of 1960 established the congressional "policy," and NFMA established the Forest Service planning "process" for implementing the policy.

Multiple use requires that compromises be made. It requires a dynamic planning process that can adapt to the changing needs, interests, and desires of people. The bottom line is that multiple use management requires that tough choices be made, since conflicting demands must be considered within the capabilities of a limited resource base. NFMA provides a systematic process for making those tough choices: choices among degrees of preservation and use; choices among environmental, social, and economic values; and choices between what is ideal and what is attainable.

Tough choices sometimes lead to serious disagreements. We are placing more emphasis on informal conflict resolution throughout the National Forest System. Informal consultations with a variety of interests over an extended period of time have proven to be an effective way to resolve important issues and thus avoid some appeals and litigation.

However, informal consultations are not always successful, and some plans and projects cannot be fully implemented because of appeals or litigation, primarily on NEPA grounds. Despite this implementation problem, we believe the NFMA planning process is working reasonably well. We are continuing to learn how to best use the process to develop and implement sound plans that are supported by the public.

Naturally, we want to quickly resolve those cases where forest plans or projects are constrained by appeals and litigation and then get on with the job of implementing the plans. Forest Service people are committed to getting the job done! We are sometimes frustrated by the extent to which certain controversies seem to drag on and on without resolution. However, NFMA cannot—and should not be expected to—prevent all controversies, appeals, or litigation. NFMA is broad enough and flexible enough to provide a framework for the resolution of most issues. Although Congress decided it was necessary to give us special direction in fiscal year 1990 regarding the old growth/spotted owl issue in the Pacific Northwest, this is an unusual circumstance. We expect that the long-term solution will be found within the framework of NFMA and other existing laws.

We do not believe NFMA could be amended to anticipate every possible situation that may come along. Times change, the needs of people change, resource conditions change, and the available information changes.

For example, when NFMA was enacted 13 years ago, there was a lot of concern about the size of individual clearcut units, both in the East and the Pacific Northwest. As a result, our regulations restrict clearcut units to generally no more than 40 acres. Now, 13 years later, concern is being expressed about the "ecological fragmentation" caused by a series of small clearcuts over time. New thinking and new scientific information are suggesting that clearcuts—under certain circumstances—should be fewer and larger to avoid forest fragmentation. To our knowledge, the concept of fragmentation never came up during the debate about the size of clearcuts in the midseventies. This example illustrates the importance of retaining enough flexibility in major statutes—such as NFMA—to enable us to respond administratively when conditions and needs change.

Responding to Changing Conditions and Public Needs

Management of the National Forest System has changed dramatically since the first forest reserve was designated almost 100 years ago. The pace of this change has really picked up during the last decade. The NFMA planning process has greatly clarified and focused many issues for the public and for us, and it has increased our sensitivity to the changing needs and desires of the public, changing resource conditions, and changing scientific and technical information related to forest and rangeland management. As a result, we are looking at things differently and doing things differently than we were 5 or 10 years ago.

We are committed to respond positively to these changes, but I think it is very important that we recognize the context in which change should occur. Major changes in management philosophy and direction for the National Forest System

should be well thought out and carefully implemented to ensure that they have a sound scientific and legal basis. Many individuals and communities are dependent on the goods and services produced by the national forests, and significant changes in the management of the national forests should be gradual enough to avoid major economic and personal impacts. We also need to keep in mind that we are dealing with natural processes that evolve slowly over many years. Some people say the Forest Service is changing too quickly; others say we are too slow to change. As always, we must try to find a reasonable balance.

I would like to highlight a few examples of recent and current actions that illustrate our commitment to responsible change.

OLD-GROWTH FORESTS

During the forest planning process in the Pacific Northwest, public comments and our analysis showed us that we needed to pay more attention to the management of old-growth forests. The current old growth/spotted owl controversy is a "classic" example of the difficulty we sometimes face in trying to balance the competing needs and desires of people for wood products while protecting ecological values. Despite the difficulties we have had with this issue, it does not, in our judgment, represent a failure of the NFMA planning process. The process is basically sound, and, as I mentioned earlier, it should not be expected to prevent all controversy, appeals, or litigation. Despite everybody's best efforts, there occasionally may be major issues—like old growth/spotted owls—that will lead to specific congressional involvement and direction.

The issue of old-growth forests—what they are and how their values should be perpetuated—goes beyond the question of providing habitat for the northern spotted owl. It is an issue of concern to many national forests around the country. We believe the NFMA planning process provides the proper framework for determining how to ensure the continuation of old-growth values on each national forest. We are taking several actions to ensure that the forest plans fulfill this need.

- First, I have just approved a Position Statement on National Forest Old-Growth Values that affirms and articulates our view of old-growth forests, recognizes their many values, and sets forth how we will place more emphasis on their management. The bottom line is that the many significant values associated with old-growth forests within the National Forest System will continue to be provided both now and in the future.
- Second, we have developed a national generic definition of old growth that will be used as a framework for more specific definitions tailored to major forest types across the country. The definitions address old growth as an ecological condition. Structural features such as tree size, canopy layers, snags, and downed trees are used to characterize old-growth forests.
- Third, we will use this generic definition of old growth—and forest type definitions based on it—to guide our inventories of old-growth forests throughout the Nation. We are already conducting an intensive interim inventory in Washington, Oregon, and northern California that will provide much better information for planning and for implementation of our old-growth position statement. Estimates of old-growth acreage in the past were based on inventories designed to assess timber conditions, not the ecological characteristics associated with old-growth forest ecosystems.

THREATENED, ENDANGERED, AND SENSITIVE SPECIES

Managing ecosystems for threatened, endangered, and sensitive plant and animal species sometimes conflicts with producing a dependable flow of forest products and other outputs. This is clearly shown, for example, by the current attention being given to the habitat needs of spotted owls (a sensitive species) in the West and red-cockaded woodpeckers (a threatened species) in the South. The NFMA planning process and changes on private lands have increased our awareness that National Forest System lands provide the major source of suitable habitat for many threatened, endangered, and sensitive species.

The National Forest System provides habitat management for more than 160 endangered and threatened plants and animals. Recovery plans identify actions that are needed for species recovery. We are modifying management to utilize the best scientific information available. Examples of current management actions to protect threatened and endangered species include:

—Limiting tree cutting within ¾ mile of red-cockaded woodpecker colonies in the South, on an interim basis, while a new comprehensive management strategy is developed following NEPA and NFMA procedures.

—Using prescribed burning to maintain habitat for the Kirtland's warbler in Michigan.
—Assisting the U.S. Fish and Wildlife Service and other cooperators in reintroducing species such as the peregrine falcon and the bald eagle.
—Maintaining aquatic and streamside habitat for recovery of more than 30 listed fish species including the Gila trout in the Southwest.
—Implementing a long-term management program for recovery of the grizzly bear in the Rocky Mountains.

We are also conducting a priority research program to develop habitat models and management options to assure that our actions are not contributing to the endangerment or extinction of any species. This program includes:

—Conducting the Spotted Owl Research, Development, and Applications Program to learn more about managing the habitat needed by spotted owls in the West.
—Developing technology to assist in the recovery of the red-cockaded woodpecker in the South.
—Cooperating closely with the U.S. Fish and Wildlife Service in conducting research needed for recovery of the Puerto Rican parrot.
—Studying the ecology and management of plants and habitats that are critical to the nutritional needs of grizzly bears in the Rocky Mountains.

RECREATION, WILDLIFE, AND FISH

The NFMA planning process has greatly increased the attention and emphasis given to wildlife and fish in the management of the National Forest System. This has contributed to increased population trends for many species including deer, elk, turkey, and grizzly bear. However, the public—and our forest plans—are still giving us a strong message that we should place more emphasis on recreation, wildlife, and fish.

One way we are doing this is through partnership arrangements with individuals, groups, and businesses. Our partners provide cash, supplies, equipment, and labor to "stretch" the appropriated funds we receive. I would like to briefly mention three examples of these "challenge cost-share" programs:

• Our "National Recreation Strategy" includes projects in recreation management, wilderness management, and cultural resources management, as well as construction and maintenance of trails and other recreation facilities. In fiscal year 1989, recreation challenge cost-share programs received more than $7 million from partners whose contributions more than doubled $3 million of appropriated funds.

• "Rise to the Future" is a similar challenge cost-share program that emphasizes partnerships to improve fish habitat and thus increase fish production from the National Forest System. Habitat improvements include installing artificial spawning reefs and fish shelters to improve lake habitats, creating sheltered pools in streams to increase fish holding capacity, and placing structures in streams to provide fish spawning and rearing habitat.

• "Get Wild" is a challenge cost-share program to protect, maintain, or improve habitat for wildlife species in high demand or of high public interest. Currently, emphasis is being placed on habitat for waterfowl, elk, wild turkey, quail, bighorn sheep, and grouse.

CLEARCUTTING

As many of you will remember, the controversy surrounding the clearcutting issue on the Monongahela National Forest in West Virginia during the early 1970's led to the enactment of NFMA in 1976. Clearcutting continues to be a controversial issue around the country, and it is the basis for several appeals, legal actions, congressional questions, and press coverage. Research and experience confirm a valid role for clearcutting in certain circumstances, but significant public concerns remain.

I directed the Regional Foresters in September 1988 to seek opportunities to reduce clearcutting when other alternatives will meet our land management objectives. In making this decision, we must use the best resource information available with full interdisciplinary involvement. Before clearcutting is selected as the harvesting method for specific areas, we must be confident that it truly is the optimum choice under the circumstances, as required by NFMA.

Several national forests, through the land management planning process, have reevaluated alternative methods for harvesting timber. I will mention two examples.

One is the Ouachita National Forest in Arkansas. The forest plan for the Ouachita was completed in April 1986. In a nutshell, the plan was unacceptable to many of our publics. The major objections were that the plan placed too much em-

phasis on timber production and not enough emphasis on recreation. Many people also believed that clearcutting was overemphasized to the detriment of other resource values. To make a long story short, we are redoing the plan with considerable public help. I fully expect that the new plan, to be completed early next year, will give much more attention to recreation and emphasize more selection harvesting methods and less clearcutting.

Another example is the White Mountain National Forest in New Hampshire. The White Mountain, in response to public involvement and resource analyses during the planning process, has substantially increased the emphasis given to wildlife habitat improvements and to harvesting methods other than clearcutting. Planned road mileage has also been reduced. The plan reflects the extensive and dedicated involvement of the public in setting forth well-balanced direction for the White Mountain.

The choice between clearcutting and other harvesting methods is based upon local circumstances and the best available research information for those circumstances. The Forest Service and our university cooperators have several studies underway to evaluate optional harvesting methods for major forest types in the United States. These studies are providing information about the long-term effects of alternative harvesting and regeneration methods on timber growth and yield, changes in the composition of tree species and other vegetation, soil and water quality, wildlife and fish habitat, and other factors.

LAND ALLOCATIONS/MANAGEMENT EMPHASES

Public input during the NFMA planning process has had a big influence on basic decisions related to land allocations and management emphasis. There is a definite trend toward more emphasis on recreation, wildlife, fish, and other noncommodity values of the National Forest System. For example:

- The national forests provide over 40 percent of the recreation use that occurs on Federal lands; that is more than any other Federal agency.
- More than one-sixth of the National Forest System (almost 33 million acres) is part of the National Wilderness Preservation System.
- In 1988, Congress designated an additional 35 National Forest System rivers as part of the National Wild and Scenic Rivers System. This more than doubled the mileage of wild and scenic rivers under Forest Service management. More than a third of the 9,250 miles of officially designated wild and scenic rivers are within the National Forest System. Studies conducted as part of the NFMA planning process have identified more than 400 additional rivers with outstanding values that make them eligible for designation.
- Forest plans, particularly in the West, include standards and guidelines to maintain and improve riparian areas that are critically important for wildlife and fish habitat, forage production, flood reduction, and recreation.
- In response to changing resource conditions and public needs, the total National Forest System suitable land base for timber production has been reduced from 78 million acres in the old management plans to 57 million acres in our new final and draft forest plans prepared under NFMA. This represents less than one-third of the 191-million-acre National Forest System. The "suitable lands" make up the area available for timber harvest that is used in calculating the Allowable Sale Quantity (ASQ). This reduction in the suitable lands base of nearly 30 percent caused similar planned reductions in the Allowable Sale Quantity over the 10-15 year planning period.
- The forest planning process has been very useful in identifying several additional Research Natural Areas around the country. Nearly 200 of these "RNA's" are part of a national network of field ecological areas set aside for research, education, and for maintaining biological diversity within the National Forest System.
- Forest plans for seven national forests and similar plans for two National Parks in the Greater Yellowstone Area are being used to develop a coordinated management framework for nearly 12 million acres of Federal land within the Greater Yellowstone Area. The challenge is to protect the natural and historic values of this special area while continuing to provide products and services including recreation, timber, minerals, and grazing that support local and regional economies. The public is being invited to participate in the process. Next summer, we plan to have "coordinating criteria" that will be used to judge the adequacy of the current plans. It may be necessary to amend some forest plans as a result of this review.

Looking Ahead

As we look ahead to the future, there are several additional changes that will need to be reflected in the NFMA planning process and in our management of the National Forest System.

"new perspectives in forestry"

Recently, there has been a lot of discussion within the natural resource professions and some segments of the public about the concept of "Ecological Forestry," "Landscape Ecology," or, more simply, "New Forestry." Basically, the idea is to combine knowledge of forest and rangeland ecosystems and landscapes with appropriate elements of traditional management practices. The objective is to develop management systems that will continue to provide for sustained production of commodities, such as wood and forage, while also providing a wider range of noncommodity values, such as wildlife and fish habitat, water quality, and recreational opportunities. Recently, "New Forestry" received a lot of attention during the discussions about the management of old-growth forests in the Pacific Northwest. Dr. Jerry Franklin, Chief Plant Ecologist at our Pacific Northwest Forest and Range Experiment Station, is the primary spokesperson for this concept.

Currently, "New Forestry" refers primarily to the application of silvicultural practices designed to maintain diverse ecosystems in old-growth forests of the Pacific Northwest. The Blue River Ranger District of the Willamette National Forest in Oregon is working with Forest Service and university scientists at the H.J. Andrews Experimental Forest to further evaluate ecosystem management approaches. We are also developing an accelerated old-growth research and demonstration project in Washington, Oregon, and northern California as part of our national effort to further evaluate ecosystem approaches to forest management.

Many of these ideas are being used in various forms throughout the country. I believe they should be considered in the management of all the national forests and national grasslands, and the concept should be extended beyond silviculture and old-growth forests. I see "New Forestry" as an element of a broader concept that we are calling "New Perspectives in Forestry." We are exploring ways that we can place more emphasis on broad ecological considerations and a landscape perspective within the NFMA planning process. Our forest plans have already made a start in this direction with their focus integrated resource management. However, I think there is much more we could do in this regard under existing authority.

Our "New Perspectives in Forestry" are based on four major premises:

(1) Continued research is essential to ensure that management practices have a sound scientific basis.

(2) The maintenance of ecological values, especially biological diversity, can be compatible with commodity production.

(3) A broad range of forest management approaches can be applied to meet nontimber objectives and protect ecological values.

(4) Landscape-level management strategies can provide a full range of ecological values while yielding economic benefits.

In addition to our current research, we are making plans for a new priority research program to study additional ways to integrate commodity production with the maintenance of ecological values, including biological diversity and sustained forest productivity at the landscape level.

"New Perspectives in Forestry" reflects our recognition of the need to continue to produce traditional forest products and provide for traditional forest uses while being more responsive to public concerns for all forest values. However, changes should be managed over time so as not to abruptly impact the current flow of goods and services to individuals and communities dependent on the National Forest System. We would appreciate having your ideas, and we will discuss our progress with you and other Members of Congress as we explore "New Perspectives in Forestry."

global climate change/biological diversity

As you know, the interrelated issues of global climate change and biological diversity are receiving considerable attention within the scientific community and within the public at large. More interest is being expressed about the interrelationships between management of the national forests and national grasslands and global environmental issues. The cumulative effects of management actions on large areas of mixed ownership are also becoming of increasing concern. We expect that the forest planning process will come under ever closer scrutiny as these issues continue to develop. Forest Service research scientists and natural resource managers are major

participants in efforts to better understand these issues and to develop reasonable responses to them.

For example, we recently initiated a new 10-year research program that will study the effects of possible climate changes and air pollution on forests and rangelands. The program is part of the administration's comprehensive U.S. Global Change Research Program. The Forest Service is proud to have a leadership role in this important research.

Our NFMA regulations require that diversity be considered throughout the planning process and that forest plans provide for diversity of plant and animal communities and tree species consistent with the overall multiple-use objectives of the planning area.

We are a major participant in the National Policy Dialogue on Biological Diversity under the auspices of the Keystone Center in Colorado. This consensus-building process involves about 50 representatives of Federal land management agencies, congressional committees, environmental organizations, commodity interests, and academia. Among the many issues being discussed are: definitions of biological diversity, goals for the conservation of biological diversity, roles and responsibilities of the public and private sectors, and priority actions that need to be taken. We will consider and use the findings and recommendations from the Dialogue during our continuing review of National Forest System policies, programs, and plans.

Conclusion

As I mentioned at the beginning of my statement, I would like to make concluding comments about both the *planning* process and the *implementation* process.

Successful planning and successful plan implementation are both dependent on achieving a reasonable, workable, and mutually acceptable *consensus* about what is to be done. As you know, reaching a public consensus is often difficult, particularly on complex issues. Everyone who is concerned should have an opportunity to be heard. This is as it should be under our democratic system.

The NFMA planning process is much like the legislative process in this regard; conflicting views are welcomed and considered, and then a decision is made after all appropriate factors are considered. But there will always be some who disagree with the decision, and they will seek administrative and judicial means to change the decision or prevent the decision from being implemented. Neither laws nor regulations can change strongly held personal views or totally resolve basic disagreements within society. The challenge is to protect the rights of those with minority views to be heard and considered without unnecessarily disrupting the implementation of decisions.

NFMA Planning Process

After several years of experience in implementing NFMA, we believe we have the best plans we have ever had for the national forests and national grasslands and we are in the best position we have ever been in to make sound decisions. We have more information; we have learned how to consider a wide range of integrated management options using an interdisciplinary approach; we have learned how to better analyze and explain the consequences of those options; we are more sensitive and responsive to change; and, perhaps most importantly, we have learned how to better provide meaningful opportunities for the public to participate in the planning process. We are putting more emphasis on up-front informal discussions to help resolve problems as early as possible.

As we look back at our experience with forest planning under NFMA, it is obvious that some forest plans are "better" or "stronger" than others. Some forests did outstanding analytical work, while others did an outstanding job of keeping the public informed and involved during the planning process. On some forests, it was reasonably easy to reach a workable public consensus, while on others it was extremely difficult. These variations are to be expected given the scope and complexity of the overall task.

There are many factors—some of them uncontrollable—that help or hinder the planning process. But it seems clear that there are at least four common characteristics shared by those forests which are the most successful in implementing the NFMA planning process:

- First, the members of the public who participate in the process share a common goal of resolving their different viewpoints in a give-and-take manner to achieve a workable and reasonable consensus.
- Second, the Forest Supervisor is personally committed and involved in providing leadership to the process, almost on a day-to-day basis.

• Third, the interdisciplinary team is made up of members who are truly interdisciplinary, well-educated, experienced, personally committed to succeed, and well-supported by others at the ranger district, national forest, and regional office levels.

• Fourth, the Forest Supervisor, the interdisciplinary team, and other involved Forest Service personnel have a sincere commitment to seeing to it that the public is given meaningful opportunities to participate and that public input is objectively considered.

Each of these characteristics—like a link in a chain—is equally important. Weaknesses in any one of the characteristics can overshadow strengths in the other two.

We believe the NFMA *planning* process is basically sound. It continues to provide a strong basis for integrated, interdisciplinary planning with public participation. And, NFMA continues to provide a dynamic and systematic process that accommodates most changes in an orderly fashion. However, there are—and there will continue to be—disagreements about how the National Forest System should be managed. Many disagreements can be resolved informally through the NFMA planning process, but when the stakes are high and emotional issues are involved, some disagreements will be resolved formally through appeals or litigation. The fact that the NFMA planning process cannot resolve all disagreements should not, in our opinion, lead to the conclusion that something is wrong with the *planning* process. Rather, these disagreements indicate the importance people place on the National Forest System and its resources.

To sum up regarding planning, decisions made in forest plans about the future management of the National Forest System are difficult to make, because the stakes are high and the controversy is intense. You will probably hear from some witnesses today that we have gone way too far in shifting the balance toward environmental values and away from economic values. Others are likely to tell you that we have not shifted nearly enough. There is no absolute answer; we just have to keep striving for some reasonable, common sense balance in the management of the national forests and national grasslands—under the statutory direction provided by the Multiple-Use Sustained-Yield Act and other laws.

In preparing the forest plans, we have worked with the public to come down to what we believe is the best balance after taking into account all the factors. I would be the first to admit that determining "a reasonable, common sense balance" involves a lot of judgment, and we need to be flexible to adjust as situations change or new information is developed. The NFMA planning process allows this to happen, and I don't know of a better way to deal with these kinds of controversial issues than by going through a difficult planning process.

NFMA PLAN IMPLEMENTATION

As you know, public land management is complicated by a series of laws enacted over many years. Individually, each law makes sense and serves a particular purpose. However, it becomes extremely difficult sometimes, as a practical matter, to simultaneously implement these laws without delays and uncertainties on the ground. The data collection, analysis, monitoring, appeals, and litigation associated with implementation of these laws requires a very substantial investment of funds and personnel. Sometimes we feel like we are in an impossible position when faced with the requirements of NFMA, the National Environmental Policy Act, the Endangered Species Act, the Archeological Resources Protection Act, the Clean Water Act, and many other laws.

Appeals and litigation are causing delays and uncertainties in implementing some forest plans, and these delays and uncertainties are having serious impacts on the individuals and communities that are most directly affected. Some people have suggested that NFMA should be "fixed" to avoid these delays and uncertainties. So far, however, we have not been able to figure out a *planning* "fix" that would solve the *implementation* problem. Therefore, we do not believe that changing the NFMA planning process is the answer.

We are very concerned about the roadblocks being thrown in the way of implementing some forest plans. Unfortunately, we do not have a solution to suggest that would assure implementation of the plans without infringing on the opportunity for the public to appeal or litigate decisions of the Federal Government. As I said at the outset, it seems to come down to whether we can successfully encourage people to cooperate in an up-front manner to reach a workable consensus. We certainly would welcome your thoughts and those of other Members of Congress as we try to solve this difficult problem with respect to implementing our forest plans.

We believe the findings and recommendations of our Land Management Planning Critique, to be available next summer, will be helpful as you consider whether statutory and/or administrative changes are needed in NFMA or other laws.

George Leonard and I will be pleased to answer your questions or provide additional information.

[The material that follows is information concerning the National Forest Management Act, provided by the U.S. Department of Agriculture, Forest Service, October 25, 1989.]

NATIONAL FOREST MANAGEMENT ACT OF 1976

The National Forest Management Act (NFMA) provides a comprehensive framework and primary source of direction to the Forest Service for fulfilling its mandate to manage the National Forest System (NFS). The central element of NFMA is the institution of land and resource management planning (mandated earlier by the Forest and Rangeland Renewable Resources Planning Act of 1974) as the basic means of achieving effective use and protection of renewable resources and a proper balance of the uses of the Nation's forest lands. The act sets forth policies, requirements, and an outline of regulations for planning.

The act specifically requires the Secretary of Agriculture to promulgate regulations which set out the process for development and revision of land management plans as well as to incorporate standards and guidelines for plans for national forest units. It also requires public participation in the development, review, and revision of land and resource management plans and the coordination of such plans with State and local units of government and other Federal agencies.

The Resource Planning Act, as amended by the NFMA, specifies that an interdisciplinary approach will be used in land and resource management planning for the NFS and that there will be a periodic review of the planning process, followed by any necessary amendments to keep it current with statutory requirements.

The NFMA specified the appointment of a committee of scientists to assure that an effective interdisciplinary approach is proposed and adopted in the regulations for land management planning. In response, the regulations require an integration of planning for national forests and grasslands, including the timber, range, fish and wildlife, water, wilderness, and recreation resources, together with resource protection activities and coordinated with fire management and the use of other resources, such as minerals.

These statutes also provide for the establishment and revision of national, regional, and local resource goals and objectives based on a periodic assessment of the future supply and demand of renewable resources from public and private forest and rangelands. Achievement of these goals and objectives is the purpose of the planning process provided in the regulations.

QUESTIONS AND ANSWERS CONCERNING THE FOREST SERVICE LAND AND RESOURCE MANAGEMENT PLANNING PROCESS

Question. What precipitated the National Forest Management Act of 1976 (NFMA)?

Answer. In August 1975, the Fourth Circuit Court of Appeals affirmed a 1973 District Court Decision limiting Forest Service authority to sell timber on the Monongahela National Forest in West Virginia. The courts interpreted the Organic Act of 1897 as allowing that only "dead, physiologically mature, and large growth" trees individually marked for cutting, could be sold. Recognizing the impact of its decision, the court suggested a legislative remedy. Congress subsequently set about the task which resulted in passage of the NFMA in 1976.

Question. How does NFMA and RPA affect land management planning?

Answer. The Resources Planning Act (RPA) provides a framework for long range planning at the national level, but does not provide the level of detail necessary to guide management on a specific national forest. NFMA, which amends RPA, gives procedural guidance directing the preparation of land management plans for national forests. The planning process is designed to ensure an interdisciplinary approach to managing all resources in an integrated manner, that the public is involved in the planning process, and that the process is coordinated with State and local governments, Indian tribes, and other Federal agencies.

Question. What is the purpose of the NFMA planning regulations?

Answer. The NFMA regulations set forth detailed guidance for development, implementation, and updating of land management plans for national forests and also for Regional Guides for the nine regions of the Forest Service. A committee of scien-

tists was appointed to advise the Forest Service in the development of these regulations.

Question. How many plans have been complete to date?

Answer. All nine Regional Guides have been completed and 97 of 123 land management plans have been finalized. There are 25 plans still in draft form and 1 plan not yet released in draft due to the changes caused by major forest fires.

Question. Is the public involved in the planning process?

Answer. Yes! The public is encouraged to participate throughout the planning process. The process begins by identifying the issues of most concern to the public and then focuses on resolving those issues. Over 1 million people have participated nationwide in the planning process, probably the largest "grassroots" effort to involve the public ever undertaken by a Federal agency. The Forest Service has put considerably more emphasis on developing methods for achieving public consensus and conflict resolution as a result of experience gained as the planning process has evolved.

Question. What are the main differences in how the Forest Service does planning as a result of NFMA?

Answer. Prior to NFMA, each forest had a variety of functional plans for individual resources, i.e., a recreation plan, a wildlife plan, a timber plan, et cetera. The extent of public involvement in these plans varied, but in many cases was quite limited. As a result of NFMA, there are now integrated plans where the relationships between resources are addressed in an interdisciplinary manner. The public is extensively involved in all phases of development and implementation. The plans provide a basis for budget development and reflect greater uniformity in data and analysis techniques. The result has been a systematic, interdisciplinary framework for making resource management decisions in which the public has an active and effective role.

Question. What is the relationship between NFMA and NEPA (the National Environmental Policy Act)?

Answer. NFMA focuses on providing the procedural framework for the development of land management plans to guide activities on a national forest. NEPA requires the identification of significant environmental impacts related to proposed Federal actions and disclosure of these impacts to the public. In essence, NFMA requires the development of land management plans while NEPA requires the development of the environmental impact statement (EIS) which accompanies it.

Question. Does the land management plan make all decisions about what will occur on a national forest?

Answer. Definitely not. The Forest Service has a two-step decisionmaking process for making resource decisions on a national forest. The land management plan provides the first step in the process and makes a variety of decisions generally focusing on forest-wide guidance and broad land allocations. The second decisionmaking step involves making site-specific decisions about individual projects (such as a timber sale or construction of a campground) which are designed to implement the broader direction contained in the plan.

Question. What decisions are made in land management plans?

Answer. Land management plans focus on five major decision areas. They are:

1. *Forest multiple-use goals and objectives.*—These articulate a vision of the forest's future, and include an estimate of the goods and services which are expected to be produced.

2. *Multiple use prescriptions and standards and guidelines for management areas.*—This set of decisions describe what type of activities will be permitted on various areas of the forest and the "rules" which must be followed when such activities occur.

3. *Identification of lands suitable for timber production.*—This determination is based on a variety of criteria listed in NFMA and the associated regulations. Lands determined not to be suitable for timber production cannot be harvested unless it is for nontimber objectives, such as recreation or wildlife.

4. *Determination of Allowable Sale Quantity.*—This is the maximum amount of timber that may be harvested from the suitable lands and is a cumulative ceiling for the 10 year planning period.

5. *Monitoring and Evaluation Requirements.*—This describes how and when plan implementation will be monitored and evaluated.

In addition, land management plans make recommendations for special land classifications such as Wilderness or Wild and Scenic Rivers. Some plans also make certain project decisions but only if there is adequate site specific NEPA analysis associated with it.

Question. How are project level decisions related to the decisions made in the forest plan?

Answer. Project level decisions are the means by which the goals and objectives of the forest plan are achieved. Such decisions must be in compliance with the plan or else the plan must be amended. Project decisions are accompanied by appropriate environmental analysis as required by NEPA. This analysis considers alternatives for achieving the purpose and need of the project and always has a no action alternative as a viable option. The process includes full public participation as was the case with forest planning.

BRIEFING PAPER—USDA FOREST SERVICE REVISED APPEAL RULES

(January 18, 1989)

Since 1906, and at its own discretion and initiative, the USDA Forest Service has provided grievance procedures for individuals or organizations to question forest officer decisions. Initially designed to quickly and informally resolve disputes relating to land use and occupancy decisions by forest officers, these procedures have adjusted to changing times by shifting back and forth from formal to informal, and from management by the agency to management by independent boards.

The current procedures, 36 CFR 211.18, date from 1963. They have been modified three times since, evolving along the way into a complex process far from the simple, quick, informal procedures originally intended. They are now a hybrid, mixing procedural needs for appeals of decisions about legal or business-type relationships with procedural needs for appeals that involve other kinds of appellants who simply disagree with agency land and resource management decisions.

After a 2-year study prompted by Executive Order 12291, the USDA Forest Service is issuing new rules which revise policies and procedures by which individuals or groups may appeal decisions made by Forest Service officials. The final rules reflect extensive public participation, including congressional oversight, on draft regulations that were published May 16, 1988. Nearly 6,000 comments were received from more than 1,000 respondents.

The current appeal procedures, the single regulation at 36 CFR 211.18, are being replaced with two distinct regulations. The first, 36 CFR 251, Subpart C, limited to appeals of certain kinds of decisions that grant permission to occupy and use National Forest System lands. The process is available to applicants for and holders of such authorizations, giving them a degree of process and formality appropriate to the specific nature of their legal, business-type, relationship with the agency. It is similar in many regards to the current procedures.

The other regulation, 36 CFR Part 217, describes procedures for reviewing decisions that relate to National Forest System land and resource management plans, and projects undertaken to implement them. This regulation affords an appellant another opportunity, in addition to participation in the planing process, to contribute information about agency decisions. It emphasizes informality, and stresses opportunities for openness and direct contact between deciding officers and participants during a review in order to resolve disputes in a less structured manner.

Overall, the intent of the new rules is to simplify the appeal process by providing appeals procedures commensurate with the nature and type of decision being disputed. Being less cumbersome procedurally, and by focusing on forest officer one-on-one interactions with participants, the new rules will make it easier to obtain reviews of decisions, and for the agency to render them more quickly in a spirit of cooperation with the involved parties.

A broad summary of the new procedures compared to the old ones is attached. The new procedures and background information are published in the January 23, 1989 issue of the Federal Register.

[The attachment referred to above follows:]

STATUS OF NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLANS BY REGION AS OF OCTOBER 3, 1989

Region	Units	Filed with EPA		Appeals	Appeals decided	No. of forest plans cleared [1]
		Draft	Final			
Northern	13	0	13	179	90	2
Rocky Mountain	12	0	12	54	53	11
Southwestern	11	0	11	63	49	5
Intermountain	16	2	14	86	53	10
Pacific Southwest	18	8	9	210	98	0
Pacific Northwest	19	15	4	20	8	0
Southern	17	0	17	87	64	10
Eastern	15	0	15	113	87	10
Alaska	2	0	2	13	13	2
Totals	123	25	97	825	515	50

[1] The number of forest plans cleared means either there were no appeals and/or the administrative appeal process has been completed. All final forest plans are being implemented unless a stay of the decision is granted through the appeal procedure.

Note.—The number of final plans filed in region 10 includes the Tongass National Forest Plan finalized in 1979.

STATUS OF FOREST PLANS AS OF OCTOBER 3, 1989

Final forest plans (97 total)	Draft forest plans (25 total)

Northern region:
- Flathead (MT) (Jan. 22, 1986)
- Lolo (MT) (Apr. 8, 1986)
- Beaverhead (MT) (Apr. 9, 1986)
- Helena (MT) (May 28, 1986)
- Lewis and Clark (MT) (June 4, 1986)
- Custer (MT) (June 10, 1987)
- Kootenai (MT) (Sept. 14, 1987)
- Gallatin (MT) (Sept. 23, 1987)
- Idaho Panhandle (ID) (Sept. 17, 1987)
- Clearwater (ID) (Sept. 23, 1987)
- Deerlodge (MT) (Sept. 23, 1987)
- Bitterroot (MT) (Sept. 30, 1987)
- Nezperce (ID) (Oct. 8, 1987)

Rocky Mountain region:
- Arapaho and Roosevelt (CO)
- Grand Mesa, Uncompahgre and Gunnison (CO)
- Routt (CO)
- San Juan (CO)
- Black Hills (SD)
- White River (CO)
- Pike and San Isabel (CO)
- Nebraska (NE)
- Rio Grande (CO)
- Bighorn (WY) (Oct. 4, 1985)
- Medicine Bow (WY) (Nov. 20, 1985)
- Shoshone (WY) (Feb. 27, 1986)

Southwestern region:
- Cibola (NM)
- Tonto (AZ) (Oct. 31, 1985)
- Coronado (AZ) (Aug. 4, 1986)
- Carson (NM) (Oct. 31, 1986)
- Lincoln (NM) (Oct. 31, 1986)
- Gila (NM) (Nov. 21, 1986)
- Prescott (AZ) (Aug. 4, 1987)
- Coconino (AZ) (Aug. 28, 1987)
- Santa Fe (NM) (Sept. 4, 1987)

STATUS OF FOREST PLANS AS OF OCTOBER 3, 1989—Continued

Final forest plans (97 total)	Draft forest plans (25 total)
Apache-Sitgreaves (AZ) (Oct. 30, 1987)	
Kaibab (AZ) (Apr. 15, 1988)	
Intermountain region:	
Uinta (UT)	Bridger-Teton (WY) (Feb. 6, 1987)
Wasatch-Cache (UT)	Boise (ID) (Aug. 6, 1988)
Caribou (ID)	
Targhee (ID) (Oct. 4, 1985)	
Fishlake (UT) (June 13, 1986)	
Toiyabe (NV) (June 23, 1986)	
Humboldt (NV) (Aug. 19, 1986)	
Dixie (UT) (Sept. 2, 1986)	
Ashley (UT) (Oct. 8, 1986)	
Manti-LaSal (UT) (Nov. 5, 1986)	
Challis (ID) (June 3, 1987)	
Sawtooth (ID) (Sept. 16, 1987)	
Salmon (ID) (Jan. 11, 1988)	
Payette (ID) (May 6, 1988)	
Pacific Southwest region:	
Cleveland (CA) (June 2, 1986)	Stanislaus (CA) (rev-Apr. 7, 1986)
Angeles (CA) (Nov. 6, 1987)	Tahoe (CA) (rev-June 2, 1986)
Sequoia (CA) (Feb. 25, 1988)	Lassen (CA) (rev-Sept. 8, 1986)
Los Padres (CA) (Mar. 22, 1988)	Shasta-Trinity (CA) (Jan. 17, 1987)
Inyo (CA) (Aug. 12, 1988)	Sierra (CA) (Jan. 12, 1987)
Plumas (CA) (Aug. 26, 1988)	Mendocino (CA) (Feb. 2, 1987)
LTBMU (CA) (Dec. 2, 1988)	Six Rivers (CA) (June 24, 1987)
Eldorado (CA) (Jan. 6, 1989)	Modoc (CA) (Mar. 7, 1988)
San Bernardino (CA) (Jan. 27, 1989)	Klamath (CA) [1]
Pacific Northwest region:	
Colville (WA) (Dec. 29, 1988)	Deschutes (OR) (May 9, 1986)
Siskiyou (OR) (Mar. 10, 1989)	Okanogan (WA) (July 15, 1986)
Fremont (OR) (May 12, 1989)	Wallowa-Whitman (OR) (July 15, 1986)
Ochoco (OR) (Sept. 15, 1989)	Wenatchee (WA) (Oct. 1, 1986)
	Siuslaw (OR) (Mar. 16, 1987)
	Olympic (WA) (Mar. 14, 1987)
	Malheur (OR) (Nov. 27, 1987)
	Gifford Pinchot (WA) (Dec. 31, 1987)
	Umatilla (OR) (Feb. 19, 1988)
	Winema (OR) (Mar. 30, 1988)
	Willamette (OR) (rev-May 16, 1988)
	Rogue River (OR) (Apr. 1, 1988)
	Mt. Hood (OR) (rev-May 31, 1988)
	Mt. Baker-Snoqualmie (WA) (rev-May 2, 1988)
	Umpqua (OR) (rev-May 16, 1988)
Southern region:	
Francis Marion (SC)	
Sumter (SC)	
Mississippi (MS)	
Chattahoochee and Oconee (GA)	
Kisatchie (LA)	
Daniel Boone (KY)	
Jefferson (VA) (Oct. 16, 1985)	
Florida (FL) (Jan. 6, 1986)	
Caribbean (PR) (Feb. 10, 1986)	
Alabama (AL) (Mar. 10, 1986)	
Cherokee (TN) (Apr. 1, 1986)	
Ouachita (AR) (Apr. 1, 1986)	
Croatan and Uwharrie (NC) (June 3, 1986)	
Ozark and St. Francis (AR) (July 29, 1986)	
George Washington (VA) (Sept. 9, 1986)	
Nantahala and Pisgah (NC) (Apr. 16, 1987)	
Texas (May 20, 1987)	

STATUS OF FOREST PLANS AS OF OCTOBER 3, 1989—Continued

Final forest plans (97 total)	Draft forest plans (25 total)
Eastern region:	
Hoosier (IN)	
Allegheny (PA) (Apr. 24, 1986)	
White Mountain (NH) (Apr. 30, 1986)	
Chippewa (MN) (June 2, 1986)	
Superior (MN) (June 6, 1986)	
Mark Twain (MO) (June 23, 1986)	
Monongahela (WV) (July 7, 1986)	
Huron-Manistee (MI) (July 16, 1986)	
Nicolet (WI) (Aug. 11, 1986)	
Chequamegon (WI) (Aug. 11, 1986)	
Ottawa (MI) (Oct. 14, 1986)	
Hiawatha (MI) (Oct. 24, 1986)	
Shawnee (IL) (Nov. 24, 1986)	
Green Mountain (VT) (Jan. 15, 1987)	
Wayne (OH) (Jan. 4, 1988)	
Alaska region:	
Tongass (AK) (1979) [2]	
Chugach (AK)	

[1] Klamath National Forest Plan has not yet been released in draft form.
[2] Currently undergoing revision.

NOTE.—Dates in parentheses indicate closing of public comment period for draft forest plans and Record of Decision date for final forest plans. Missing dates indicate completion prior to October 1985.

RELATIONSHIP BETWEEN THE RPA PROGRAM AND FOREST PLANS

(October 16, 1989)

I. Difference in Scope of the RPA Program and the Forest Plans

The Forest and Rangeland Renewable Resources Planning Act (RPA) was enacted in 1974. The RPA Program is prepared every 5 years to cover a 50-year period into the future. It is the Secretary of Agriculture's recommendation for the Forest Service activities on the national forests, assistance to State and private forestry, and research, and it is transmitted to the Congress with a Presidential Statement of Policy.

The National Forest Management Act (NFMA) enacted in 1976 amended the original RPA legislation. Each forest plan sets a desired future resource condition on the individual national forest, and subsequent management actions to achieve that desired future condition. Each plan covers a period of 10–15 years. Unlike the national scope RPA Program which is recommended by the Secretary, the forest plan is approved by the Forest Supervisor, in keeping with it being crafted to balance local resource uses among competing interests.

II. Planning Processes to Date

Forest Service regulations to implement NFMA establish a three-tiered planning hierarchy—the national RPA Program, land management plans for each forest, and between them Regional Guides. The NFMA regulations require—"A range of resource objectives shall be formulated as alternatives and evaluated, including at least one alternative which responds to and incorporates the tentative RPA Program resource objectives displayed in the Regional Guide."

The Forest Service has interpreted this in the past as requiring an allocation of resource output targets from the RPA Program to the regions, which in turn disaggregated targets to the forests. These disaggregated output targets were then developed into one of the alternatives considered during the forest plan development. Although the selected alternative was sometimes similar to the RPA alternative, it was almost never the same.

III. 1990 RPA Program—How Its Development Was Affected by Forest Plans

The 1990 RPA Program was built with more careful consideration of the resource opportunities as developed in the forest plans. The forest plans are also at a greater level of maturity than they were when the 1985 RPA Program was built. More of the forest plans are done now, and the more recent plans are often stronger plans.

The RPA process in 1990 was more heavily influenced by forest plan inputs in a number of ways. Data from forest plans was used in the RPA Assessment. The Assessment served as the basis for the Program. All of the five RPA Program long-term strategies were built using the forest plan standards and guidelines. The same data relationships used in the development of the forest plans were used in the development of the RPA Program's long-term strategies. One of the five long-term strategies evaluated in the RPA Program represents full implementation of the forest plans.

IV. 1990 RPA Program—How the Forest Service Proposes to Use It to Guide Forest Plans

Since forest plans are the legally binding management plans for the forests, the recommended RPA Program can only be implemented through forest plans. The forest plans, however, are dynamic and flexible documents. Therefore, management of the forest can often be modified with only minor changes in the forest plan.

The new Regional Guides will be the interface between the RPA Program and the forest plans. The Regional Guides will contain national-level program guidance and program direction from the RPA Program. The program direction in the Regional Guides will guide the forest plan amendment and revision process. The national-level program guidance in the Regional Guides will come from the proposed future roles, the responses to the contemporary issues, and the selected long-term strategy in the RPA Program. An example of the national-level program direction might be the implementation of new guidelines on below-cost timber sale programs or the direction and rate of change in the level of recreation use in a region. The actual form of the Regional Guide-linkage is still being developed as the form of the 1990 RPA Program is being finalized.

General program guidance from the RPA Program will replace the previously disaggregated resource output targets from previous RPA Programs. The general guidance will provide a more flexible and realistic linkage between the national RPA Program and the local forest plan than the quantity resource output targets did in the past.

TWO-LEVEL DECISIONMAKING PROCESS FOR FOREST PLAN IMPLEMENTATION

Introduction

National forests have become a focal point for tough environmental issues where the stakes are high and public debate is intense. Forest Service managers are routinely called upon to balance the many potential uses of national forests and to protect ecological and amenity values. The outcome of the decisions being made affect people and the environment in very real ways. Whether it be the economic and social stability of a community or the biological stability of an ecosystem—much depends on the decisions being made.

It is in this high stakes, controversial climate that the Forest Service must make resource management decisions. Sound decisions are dependent on a sound decision-making process. The Forest Service has established a systematic method by which such decisions are made—a Two-Level Decisionmaking Process for Forest Plan Implemention.

The National Forest Management Act (NFMA) and National Environmental Policy Act (NEPA) provide a structural framework for this process. The National Forest Management Act directs the preparation of forest plans (officially titled land and resource management plans) and provides guidance for their development. The National Environmental Policy Act, on the other hand, requires an identification of the significant environmental impacts related to proposed Federal actions and disclosure of these impacts to the public.

Forest plans are part of a coordinated planning system which includes the Resources Planning Act (RPA) Program from a national perspective and Regional Guides for planning from a regional perspective. The Two-Level Decisionmaking

Process applies to the third component of this system which is forest plan development and implementation.

Two-Level Decisionmaking Process

Decisions about management activities on a national forest are made at two levels. The first level involves the decisions made in the forest plan for each national forest. The forest plan makes a variety of decisions which provide forestwide direction and other guidance as described below. The second level involves site-specific decisions about individual projects which are designed to implement the broader guidance in the forest plan. It is at this second level that on-the-ground, project-level decisions are typically made.

In order to fully understand the two-level process, it is necessary to understand at what point a particular decision is made. One factor which helps guide this determination is the environmental analysis required by NEPA. A site-specific environmental analysis must be made prior to an irretrievable commitment of resources, such as offering a timber sale or constructing a campground. Forest plans typically do not include site-specific decisions such as these since it would be essentially impossible to adequately schedule, design, and environmentally assess all of the projects which would occur during the life of a 10-year forest plan. As a result, one environmental analysis is needed to evaluate the broad program decisions being made in the forest plan, while a more site-specific analysis is needed prior to implementing a project.

Level One—The Forest Plan

The first arena in which forest resource decisions are made is the forest plan. As mandated by NFMA, these plans are developed with extensive public participation and respond to a variety of requirements as described in 36 CFR 219, the regulations governing forest planning. An Environmental Impact Statement (EIS) is prepared in association with each forest plan.

The forest plan can be viewed as a strategic document which describes a broad scale vision of how the forest will be managed for the next 10–15 years. It reflects the issues and concerns identified during the planning process. The forest plan generally does not make decisions which would create irretrievable commitments of natural resources. The decisions which it does make can be summarized as follows:

1. *Forest multiple-use goals and objectives.*—The goals and objectives articulate a vision of the forest's future. Just as a lighthouse guides a sailor in the desired direction toward harbor, the goals and objectives guide forest personnel toward achieving the desired future condition of the forest.

The objectives defined in a forest plan include the quantities of goods and services which are expected to be produced. These quantities are predictions or expectations of the outputs that should occur given the management direction contained in the plan. The statement of goals and objectives reflects the intent of the agency to attempt to achieve the desired condition and outputs defined, but does not represent a guarantee that these will actually be achieved.

2. *Multiple-use prescriptions and standards and guidelines for management areas.*—This set of decisions describes what types of activities will be permitted on various areas of the forest and the "rules" which must be followed when the activities occur. The "rules" or standards and guidelines contained in a forest plan must be followed at all times. If any changes or exceptions to a standard or guideline are necessary, the forest plan must be amended. Some standards and guidelines apply to the entire forest while others apply only to specific management areas.

A multiple-use prescription describes the array of activities which may be permitted on each management area. The management areas are defined on a map and vary based on the goals, objectives, management prescriptions, and standards and guidelines defined for them.

It is important to understand that management prescriptions are a decision describing what activities may be permitted in a given area. Prescriptions are permissive rather than mandatory in nature. In other words, the activities which management prescriptions describe would be permitted to occur, but no decision has been made in the forest plan which actually requires them to occur. The irretrievable commitment to actually undertake the activities permissible under the plan typically occurs at the project decisionmaking level. Until the site-specific environmental analysis is accomplished at this second level, there is no decision to actually implement the activities which the forest plan permits.

3. *Identification of lands suitable for timber production.*—The forest plan identifies which lands are suitable for timber production. Timber suitability criteria are

based on direction from NFMA and its implementing regulations (36 CFR 219). Lands determined not to be suitable for timber production cannot be harvested unless it is for nontimber objectives, such as wildlife or recreation. The determination of suitability for timber production must be repeated at least every 10 years.

4. *Determination of the Allowable Sale Quantity.*—The Allowable Sale Quantity (ASQ) is the maximum amount of timber that may be harvested from the suitable lands during the period of the forest plan. It is defined on a decade basis, meaning that the plan defines the ASQ as a cumulative ceiling for the 10-year period of the plan. Although it is generally divided by 10 to get an average annual quantity, harvest can exceed or fall below this annual average any given year provided the decade total does not exceed the ASQ. As was the case with the goals and objectives described above, the ASQ reflects the intent to attempt to achieve the harvest levels identified, but there is no guarantee that such levels will be achieved.

5. *Monitoring and evaluation requirements.*—The forest plan includes decisions regarding how and when plan implementation will be monitored and evaluated. These requirements are intended to provide a means of determining if the plan is being implemented properly and if the results are as anticipated.

In addition to the five types of decisions described above, some plans include recommendations for special land classifications which require a higher approval authority than the forest or regional level. These include such designations as Wilderness, Wild and Scenic Rivers, and Research Natural Areas. The first two can only be designated by Congress, while the latter requires the authority of the Chief of the Forest Service. The forest plan contains recommendations on these designations, but the actual decision is made by the appropriate higher authority.

Forest plans could contain project-level decisions if they are specifically addressed in the EIS and specifically identified in the Record of Decision and forest plan itself. Typically, forest plans make few, if any, project level decisions of this nature. Decisions involving the irretrievable commitment of resources are generally made at the second level of decisionmaking. It is possible to make such decisions in the forest plan, however, if the project has been adequately analyzed and site-specific environmental impacts adequately disclosed.

Level Two—Project Level Decisions

Project level decisions represent the irretrievable commitment of resources under NEPA and thus require a site-specific environmental analysis. Common examples of a project-level decision include a timber sale, construction of a campground, or installation of fisheries structures in a stream. The environmental analysis document accompanying such a decision could be an Environmental Impact Statement (EIS), Environmental Assessment (EA), or the project could be categorically excluded from further documentation. The analysis considers alternatives for achieving the purpose and need of the project and always includes a no-action alternative as required by the regulations implementing EPA. The project-level planning process provides for public participation.

Project level decisions must be consistent with forest plan direction or else the plan must be amended. Project activities are the means by which goals and objectives are achieved. Although an individual project can be evaluated to ensure it is in compliance with the appropriate prescriptions and standards and guidelines, it often takes an accumulation of projects over a few years to assess whether or not some goals and objectives are being achieved. This determination is an integral part of the monitoring and evaluation process.

Summary

The Forest Service uses a two-level decisionmaking process to determine how a national forest is to be managed. The first level involves the strategic or programmatic type of decisions made in a forest plan. The second level involves project decisions which are site specific in nature and implement the broader direction contained in the plan. Together, they provide a tiered process for working together with the public to determine how to manage national forest lands.

USDA FOREST SERVICE—CRITIQUE OF LAND MANAGEMENT PLANNING—SUMMARY STATEMENT

(October 1989)

"CARING FOR THE LAND AND SERVING PEOPLE"

SYNOPSIS

The Forest Service is conducting a comprehensive review of its land management planning process. The purpose of the study is to identify ways to improve the process and tools used to develop national forest land and resource management plans. Forest plans have been completed for most national forests. So now is a good time to review land management planning, as it has evolved since 1979, when the National Forest Management Act regulations were first published. The Critique will focus on all major aspects of planning, and is organized into the following broad topic areas.

- USEFULNESS OF FOREST PLANS
- PUBLIC PARTICIPATION
- ANALYTICAL TOOLS AND PROCESSES
- COORDINATION WITH OTHER AGENCIES AND INDIAN TRIBES
- EFFECTIVENESS OF DECISIONMAKING
- ORGANIZATION AND ADMINISTRATION

OUR GOALS

- Determine what went well in the planning process, and what needs to be improved.
- Identify future challenges we face as we update our forest plans in the 1990's.
- Reassess our expectations of planning based on a decade of experience.

DESIGN OF THE CRITIQUE: THREE INTEGRATED COMPONENTS

PUBLIC PARTICIPATION

- Organizations, individuals, agencies, and employees are being afforded a variety of ways to make contributions to the Critique. The public is being informed about the Critique and its progress through a series of "Request for Public Participation" brochures.
- Over 1,200 people involved in the Critique so far.

JOINT REVIEWS

- The Conservation Foundation and Purdue University are conducting regional and national "Forums on National Forest Planning," that involve a broad cross section of representative key public participants in planning. The Forum provides an opportunity for a wide range of interested groups and individuals to discuss the planning process and make recommendations to improve future planning.
- Seven Regional Workshops this Fall and a National Conference in January 1990 will solicit a broad range of views on the strengths and weaknesses of how planning was conducted and will identify the challenges ahead.

TECHNICAL TEAMS

- Six technical teams, one for each topic area, have been assigned to evaluate planning and make recommendations. The teams are composed of Forest Service natural resource professionals. The questions being considered include:

Usefulness of forest plans.—How useful are the forest plans for managing the national forests?

Effectiveness of decisionmaking.—How effective was the planning process in helping decisionmakers select a preferred plan alternative?

Public participation.—How effective was the public participation process in seeking public comment, in opening the planning process and decisions to public review, and in resolving conflicts?

Organization and administration.—How effective was the administrative organization of the agency in producing the plans?

Analytical tools and processes.—How effective were the analytical tools and procedures in supporting planning decisions?

Coordination with other agencies and Indian tribes.—How effective was the planning process in accomplishing needed coordination with other agencies and Indian tribes?

• In addition, a seventh team is providing support to the critique by monitoring events that affect planning, such as appeals and litigation, and analyzing proposals for changes in NATIONAL POLICY AND DIRECTION.

THE FINAL CRITIQUE REPORT

The final critique report in April 1990 will contain a study synthesis which pulls together the various aspects of the Critique. A synthesis will summarize major findings and recommendations. In addition, it will provide a picture of the planning process at its best to serve as model for future planning. The synthesis will be followed by the report prepared by the Conservation Foundation and Purdue University which will contain summaries of the workshops and national conference, evaluation of findings, and recommendations. Reports from the technical teams on their respective topics will also be part of the final Critique report. An annotated outline of evaluations and critiques of planning conducted by others will also be incorporated.

FOREST SERVICE EXPECTATIONS

Recommendations.—The Critique will provide information and recommendations on what changes or actions need to be taken to bring future planning and decisionmaking in line with our best current understanding of planning and the challenges we need to face in the future.

Challenges.—The Critique will provide information on what challenges need to be met as we amend and revise Regional Guides and Forest Plans, as based on seasoned expectations about planning, past performance, and future demands.

NFMA regulations review.—The Critique will set the stage for conducting the 5-year review of the NFMA implementing regulations, and provide information on whether changes are needed in the regulations.

Insight.—The Critique will provide insight on how well the expectations of Congress, members of the public, and the Forest Service were met on what national forest planning could accomplish.

Public involvement.—The Critique will characterize how various individuals and organizations have been involved in and affected planning and decisionmaking.

U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE.
Date: October 11, 1989.

Reply to: 2410.
Subject: Old Growth Management.
To: Regional Foresters, Station Directors, WO Staff.
Reply due: December 15.

Enclosed are the Position Statement on National Forest Old-Growth Values and the Generic Definition and Description of Old-Growth Forests. They were developed by the National Old-Growth Task Group and reflect most of the comments received from you, your staffs, and other agencies and organizations. We believe they are important documents to help resolve the old-growth issue.

The Position Statement on National Forest Old-Growth Values is intended to affirm and articulate our view of old-growth forests and how we plan to learn more about them and manage them. Many aspects of this statement have been or are being addressed in the development of the forest plans. Therefore, we do not anticipate that changes, amendments, or revisions to these plans are needed. In addition, the standards and guidelines in the forest plans should provide sufficient flexibility in carrying out its provisions, where applicable. We will issue the pertinent parts of the position statement through the manual system. In the interim, our research efforts and field activities should be consistent with its intent.

The Generic Definition and Description of Old-Growth Forests is to serve as a framework for the development or modification of specific old-growth definitions by forest types or type groups. Consistent with the generic definition, the specific definitions are to relate to the structural components of the ecosystem which can be readily identified or measured. The Regional Offices and Experiment Stations are to collaborate and prepare a list, by Region, of the forest types or type groups for which old-growth definitions are to be developed. The Society of American Foresters classification of forest cover types are to be used in preparing these lists. The lists are to be submitted to Dave Unger, as Chairman of the National Old-Growth Task Group, by December 15. The composite list will then be sent to you so that the ap-

propriate offices can coordinate their efforts where the same or similar forest types are common to two or more Regions.

You are encouraged to distribute these documents to your employees and also to use them, as appropriate, in communicating with your publics. By doing so, we may be able to correct some misconceptions by showing that we recognize the many significant values of old-growth forests and are providing for them in managing the national forests.

F. DALE ROBERTSON,
Chief.

Enclosures.

POSITION STATEMENT ON NATIONAL FOREST OLD-GROWTH VALUES

(October 11, 1989)

The Forest Service recognizes the many significant values associated with old-growth forests, such as biological diversity, wildlife and fisheries habitat, recreation, aesthetics, soil productivity, water quality, and industrial raw material. Old growth on the national forests will be managed to provide the foregoing values for present and future generations. Decisions on managing existing old-growth forests to provide these values will be made in the development and implementation of forest plans. These plans shall also provide for a succession of young forests into old-growth forests in light of their depletion due to natural events or harvest.

Old-growth forests encompass the late stages of stand development and are distinguished by old trees and related structural attributes. These attributes, such as tree size, canopy layers, snags, and down trees, generally define forests that are in an old-growth condition. The specific attributes vary by forest type. Old-growth definitions are to be developed by forest type or type groups for use in determining the extent and distribution of old-growth forests.

Where goals for providing old-growth values are not compatible with timber harvesting, lands will be classified as unsuitable for timber production. Where these goals can be met by such measures as extending the final harvest age well beyond the normal rotation or by using silvicultural practices that maintain or establish specific old-growth values, lands will be classified as suitable for timber production. In making these determinations, consideration shall be given to the extent and distribution of old growth on national forest lands that are congressionally or administratively withdrawn from timber harvest, as well as adjacent ownerships.

Old-growth values shall be considered in designing the dispersion of old growth. This may range from a network of old-growth stands for wildlife habitat to designated areas for public visitation. In general, areas to be managed for old-growth values are to be distributed over individual national forests with attention given to minimizing the fragmentation of old growth into small isolated areas. Old growth on lands suitable for timber production and not subject to extended rotations is to be scheduled for harvest to establish young stands which more fully utilize potential timber productivity and also meet other resource objectives.

Regions with support from research shall continue to develop forest type old-growth definitions, conduct old-growth inventories, develop and implement silvicultural practices to maintain or establish desired old-growth values, and explore the concept of ecosystem management on a landscape basis. Where appropriate, land management decisions are to maintain future options so the results from the foregoing efforts can be applied in subsequent decisions. Accordingly, field units are to be innovative in planning and carrying out their activities in managing old-growth forests for their many significant values.

GENERIC DEFINITION AND DESCRIPTION OF OLD-GROWTH FORESTS

PURPOSE AND SCOPE

The following describes the ecologically important structural features of old-growth ecosystems. Measurable criteria for these attributes will be established in more specific definitions for forest types, habitat types, plant associations or groupings of them. The intent of the generic definition is to guide design of specific definitions and new inventories that include measurement of specific attributes. Although old-growth ecosystems may be distinguished functionally as well as structurally, this definition is restricted primarily to stand-level structural features which are readily measured in forest inventory.

DEFINITION

Old-growth forests are ecosystems distinguished by old trees and related structural attributes. Old growth encompasses the later stages of stand development that typically differ from earlier stages in a variety of characteristics which may include tree size, accumulations of large dead woody material, number of canopy layers, species composition, and ecosystem function.

DESCRIPTION

The age at which old-growth develops and the specific structural attributes that characterize old growth will vary widely according to forest type, climate, site conditions, and disturbance regime. For example, old-growth in fire-dependent forest types may not differ from younger forests in the number of canopy layers or accumulation of down woody material. However, old-growth is typically distinguished from younger growth by several of the following attributes:

1. Large trees for species and site.
2. Wide variation in tree sizes and spacing.
3. Accumulations of large-size dead standing and fallen trees that are high relative to earlier stages.
4. Decadence in the form of broken or deformed tops or bole and root decay.
5. Multiple canopy layers.
6. Canopy gaps and understory patchiness.

Compositionally, old growth encompasses both older forests dominated by early seral species, such as fire-dependent species, and forests in later successional stages dominated by shade tolerant species. Rates of change in composition and structure are slow relative to younger forests. Different stages or classes of old growth will be recognizable in many forest types.

Sporadic, low to moderate severity disturbances are an integral part of the internal dynamics of many old-growth ecosystems. Canopy openings resulting from the death of overstory trees often give rise to patches of small trees, shrubs, and herbs in the understory.

Old-growth is not necessarily "virgin" or "primeval." Old-growth could develop following human disturbances.

The structure and function of an old-growth ecosystem will be influenced by its stand size and landscape position and context.

FOREST SERVICE ANNOUNCES NATIONAL POLICY ON OLD-GROWTH

WASHINGTON, October 19—Old-growth forests are valuable as diverse and productive ecosystems and will be managed as such under a new national policy announced today by the U.S. Department of Agriculture's Forest Service.

"For the first time as an agency, we are recognizing the importance of old growth on a national level," Forest Service Chief F. Dale Robertson said. "Old-growth forests are important ecosystems that we are just beginning to understand. We've learned enough to know that a significant share of them deserve to be protected and managed for posterity."

The Forest Service has developed a position statement embracing the many significant values of old growth. The statement includes guidance on old-growth definitions, land use decisions, silvicultural practices, and research.

"For example, we will reduce the use of traditional clearcutting methods," Robertson said. "Instead, we will increase the retention of residual trees, snags, dead-and-down material, and logging debris."

Other actions include:

—Reducing the fragmentation of old-growth forests;
—Maintaining future options for significant old-growth forests until more is learned about them by selectively locating timber sales;
—Managing some forest stands on extended rotations to develop their old-growth values as well as provide for timber products;
—Creating future old-growth forests through management activities as well as natural events;
—Getting a better idea of how much old growth exists and where it is located; and
—Increasing research efforts directed to old-growth ecosystems and their management. For example, in fiscal 1990 a $1.051 million increase is funded for old-growth research.

"We do not anticipate an immediate impact on our timber sale program since our forest plans provide for many old-growth values," Robertson said. "However, there

will be an impact when we complete the final forest plans in California, Oregon, and Washington, and as we amend or revise other forest plans due to a greater emphasis on old-growth values."

The Forest Service also has developed a national ecological definition of old growth forests based on structural attributes that can be identified and measured. "This generic definition will guide the development of specific definitions by forest types and provide consistency in identifying the extent and location of old-growth forests through our forest inventories," Robertson said.

NEW PERSPECTIVES IN FORESTRY

Forest Service Briefing Paper on Retaining Ecological Values in Managed Forests—Priority Research Program

Development of forest management systems integrating commodity production with the maintenance of ecological values in managed forests is a major environmental and public policy concern for the 1990's. Increasing recreational use, wildlife and fish habitat concerns, a rapidly developing wild land-urban interface, and continuing demands for timber production have resulted in increasing public pressure to have a voice in how our national forests will be managed. Many managers, scientists and conservationists consider the development of ecologically sound silvicultural systems as a solution to most forest land use and allocation issues. Yet, there is no single silvicultural system that is always best for any one geographic region or forest type, and no one silvicultural system can produce all desired products from a particular forest stand or landscape. There are also concerns about the possibility of increased costs and the unknown long-term impacts of various management practices on timber, forage, and water yields; soil productivity; wildlife habitat quality; plant and animal species diversity; insect and disease populations; risk of catastrophic fires; and the general health and integrity of entire ecosystems.

The term "New Forestry" has received a lot of attention during the discussions about the management of old-growth forests in the Pacific Northwest. The primary spokesman for the concept is Jerry Franklin at the Pacific Northwest Research Station. In a nutshell, "New Forestry" emphasizes the need to accommodate a full range of ecological values while yielding sustainable levels of commodity products over a large forested area or "landscape."

Currently, the "New Forestry" approach is being considered primarily for application of silvicultural practices to old-growth forests of the Pacific Northwest. The Blue River Ranger District of the Willamette National Forest is working with Forest Service and university scientists at the H.J. Andrews Experimental Forest to further develop and test the concept. We are also developing an accelerated old-growth management and demonstration project in northern California, Oregon, and Washington as part of a national effort to further evaluate the ecosystem approach to forest management.

Many of these ideas are being used in various forms throughout the country. The Chief believes that they should be considered in the management of all national forests, and the concept should be extended beyond silvicultural and old-growth forests. We consider "New Forestry" as an element in a broader concept that we are calling "New Perspectives in Forestry."

SPOTTED OWL RESEARCH, DEVELOPMENT AND APPLICATION PROGRAM

(September 18, 1989)

Maintaining viable populations of spotted owls has become a major issue for Federal land management agencies in Washington, Oregon, California, Arizona, and New Mexico. In the Pacific Northwest and California, the primary concern is whether the harvest of old-growth and mature stands and their eventual replacement by younger, even-aged stands will provide the physical and biological components needed for suitable spotted owl habitat. In the Southwest, similar concerns about the impacts of timber harvesting on spotted owls habitats, especially where those habitats occur on steep slopes, have increased in recent years.

The Congress recognized the spotted owl/timber conflict and, in 1987, directed the Forest Service to spend $2.5 million to conduct research, monitoring, and inventorying activities on the spotted owl. In response to this direction the Chief of the Forest

Service established the Spotted Owl Research, Development and Application Program (RD&A).

Located at the Pacific Northwest Research Station in Portland, Oregon, the RD&A Program coordinates the Forest Service's spotted owl management and research efforts in the Pacific Northwest Region (Oregon and Washington), the Pacific Southwest Region (California), the Pacific Northwest Research Station, and the Pacific Southwest Research Station. In FY 1990, the RD&A will expand to include research and management efforts in the Rocky Mountain Research Station and the Southwestern Region (Arizona and New Mexico). The mission of the Spotted Owl RD&A is to develop, integrate, and apply new and improved procedures for management of suitable spotted owl habitats on National Forests throughout its range to ensure maintenance of viable populations of the owl.

Specific goals of the program include providing preliminary information on the abundance and distribution, reproductive ecology, dispersal, and habitat requirements of the spotted owl; coordinating a monitoring and inventorying program on national forests to gather information on the status and trends in spotted owl habitats and populations; and providing guidelines for managing forests to ensure viable populations of spotted owl.

In FY 1989, nearly $1.9 million was spent on research by scientists from laboratories in Olympia, and Wenatchee, Washington; and Arcata and Fresno, California. These scientists are studying various aspects of spotted owl biology in six different ecological provinces and includes studies on:

- Spotted owl demography and viability,
- Spotted owl home range size and habitat use (including studies of owls in second-growth forests),
- Population dynamics of spotted owl prey species, and
- Silvicultural options to create suitable spotted owl habitat and increase prey abundance in second-growth stands.

Additional funding in FY 1990 will allow us to expand these research efforts to Arizona and New Mexico, with a scientist from the research lab at Tempe, Arizona conducting the work.

Biologists from the three regions have been inventorying spotted owl habitats on 35 national forests in Washington, Oregon, California, Arizona, and New Mexico to determine the distribution of spotted owls and their habitat. Once the initial inventories are completed, a monitoring system is established so the biologists can monitor trends in spotted owl numbers and reproductive success. This information will be used to assess the adequacy of spotted owl habitat management measures over time. In FY 1989, $2 million was spent on the monitoring and inventory portion of the RD&A program. Preliminary results and a description of methodology are available to interested agencies, organizations, and the public.

Contact: For further information on the RD&A Program contact Kent Mays, Program Manager, at 503/326-3346; Florissa Fuentes, Secretary, 503/326-3573; or at the following address: Spotted Owl RD&A Program, USDA, Forest Service—PNW, 319 SW. Pine Street, P.O. Box 3890, Portland, Oregon 97208.

[Pamphlet: The USDA Forest Service—Caring for the Land and Serving People is retained in the committee file.]

FOREST SERVICE RESPONSE TO QUESTIONS FROM SENATOR LEAHY—NFMA OVERSIGHT HEARING, OCTOBER 25, 1989

Question 1. I asked you whether there were instances where you sent a forest plan up to the Secretary's office for final approval and they returned it with increased timber harvest targets or noncommodity targets. You responded by indicating that you have never been asked by the Department to exceed a forest plan's timber target level.

Again, my question was whether forest plan, not annual, timber target levels have ever been increased by the administration. Please provide us with a list of national forest plans whose timber target levels were increased or decreased by the Secretary.

Answer. The Department has not directed that timber target levels be increased or decreased. In some cases, during the review process at the draft forest plan stage, the Department has challenged Forest Service analyses and requested that additional analyses be conducted. Generally, there was a requirement that we consider the supply and demand from all ownerships before setting the Allowable Sale Quantity

for a particular national forest. Upon review of the North Carolina National Forests appeal decision, the Department required that a demand and supply analysis be done for hardwoods. However, the administrative appeal decision by the Forest Service was reaffirmed by the Department.

Question 2. Please respond to my question regarding your support for the principles of the Leahy/Hatfield colloquy in more detail. You mentioned support for some and not for others.

As a reminder, these principles included: (1) Forest resources must be only used on a sustainable basis; (2) Judicial review should only be limited when all parties agree; (3) All disputes should be resolved by a neutral third party; (4) Solutions should be developed through the authorizing committees.

Answer. (1) Yes, forest resources must be used only on a sustainable basis.

(2) In general, we support protecting the opportunity for people to seek judicial review of Forest Service decisions. However, Congress has given us a job to do, and if the parties are deadlocked over a particular point and no other action will break the deadlock, we think a limitation on judicial review should be considered. If all parties had to agree to seek limitations on judicial review, the deadlock would continue. The issue of limiting judicial review should not be taken lightly, but it may be necessary to consider in extraordinary circumstances.

(3) We disagree with the suggestion that all disputes should be resolved by a neutral third party. Decisionmaking tends to rise to the level which has the authority to make the decision. If all disputes could be sent to a neutral third party, we would be "passing the buck," and most people would seek a third-party decision. Every day, Forest Service employees work with local people to resolve conflicts. For the most part, we are successful. Relying on a neutral third party in all cases would be impractical.

(4) Ideally, we agree that the authorizing committees should take the lead in resolving nonappropriations issues. However, this is a matter relating to the legislative process that can only be resolved by the Congress.

Question 3. Implementing the forest plans would increase clearcutting from 330,000 acres to 440,000 acres annually over the next 50 years (p. 216 of draft RPA plan—strategy 2). Has the Forest Service simply disregarded the NFMA's objective of reducing the use of clearcutting on national forests?

Answer. The draft 1990 RPA program is based upon both final and draft forest plans. The public review of these plans has indicated a concern about the amount of clearcutting. I have given direction for decreasing clearcutting. Some forest plans, such as those for the Ouchita and George Washington National Forests, are being revised, and we expect that there will be a reduction in the amount of planned clearcutting. In addition, we expect that the final plans for many of the far western National Forests will show a reduction in the amount of clearcutting. There will also likely be a reduction in the volume available for sale.

The Forest Service is following the direction in NFMA. Clearcutting is used only where it is determined to be the optimum method to meet forest plan objectives. Often, clearcutting is the only way to replace stands damaged by insects, disease, or by earlier partial cutting. Clearcutting is not used where it will damage soil and watershed values. The decision to apply a particular harvest method is made after consideration of all factors including public input.

There has been a steady decrease in clearcutting. In 1960, about 450,000 acres were clearcut on the national forests. In 1988, 260,000 acres were clearcut. We expect this downward trend to continue for a few years until it stabilizes at an acreage compatible with our "new perspectives in forestry" concept.

Question 4. In your September 8, 1988 memo to regional foresters, station directors, and Washington Office staff, you urged Forest Service employees to reduce clearcutting. Could you tell me, specifically, how your recommendations have been implemented at the forest and district level?

Answer. In the letter to the Regional Foresters, we urged Forest Service leaders to be sensitive to public concerns about clearcutting and other Forest Service management practices. We also reaffirmed that clearcutting should be the optimum choice for the specific circumstances involved. We are utilizing other cutting methods such as shelterwood, seed tree, group selection, and in a few instances, single-tree selection. We try to leave trees or groups of trees in clearcuts to reduce the visual impact. Forest Service scientists are continuing research on alternative silvicultural practices that are socially acceptable and biologically sound.

Question 5. You know with a fairly high degree of certainty, the volume and value of timber in each timber sale. Have you determined with equal certainty, the existence and number of wildlife species in these areas?

Answer. In each timber sale, there could easily be over 100 different vertebrate species and several hundred plants and invertebrates. Foresters and biologists assess the species richness and relative abundance using habitat relationship models. Selected species such as threatened or endangered species and major game and fish species are surveyed onsite. Environmental assessments document the anticipated effects of the sales and subsequent reforestation on the selected species. Forest plans provide for habitat management to sustain viable populations of all species throughout the forest.

Question 6. A central part of NFMA is the use of interdisciplinary teams to develop the plans. Are these teams functioning well? Could plans be developed in another way?

Answer. Section 6(f)(3) of NFMA requires that plans be developed by an interdisciplinary team. These teams are functioning very effectively. The purpose of planning is to ensure that the necessary breadth of knowledge, information, expertise, and viewpoints is available to enable sound management decisions to be made in a systematic and formalized manner. The interdisciplinary team for each national forest has members with a wide range of technical and managerial skills from the physical, biological, and social disciplines.

Question 7. Do we need additional land allocations in law? Would this result in certainty?

Answer. No. We made recommendations for Wilderness designations and Wild and Scenic River designations in our forest plans. Additional statutory land allocations are not needed. Our planning regulations require that conditions be reviewed at least every 5 years to determine whether changes are needed in the land allocations under the forest plans. We believe that our multiple-use mandate, within the context of NFMA, provides the best way to produce an optimum mix of goods and services from the national forests. National needs change over time, and additional statutory land allocations would limit the flexibility now provided in the NFMA planning process to adapt to changing public and resource needs.

FOREST SERVICE RESPONSE TO QUESTIONS FROM SENATOR HATFIELD—NFMA OVERSIGHT HEARING, OCTOBER 25, 1989

Question 1. NFMA required the new forest plans to be finished by 1985. So far, only 4 of 19 plans in region 6 are complete. Why are the plans so late?

Answer. Out of 123 plans nationwide, 97 (81 percent) have been released in final. Except for two plans in R-4, the remainder of the unfinished plans are for national forests in California and the Pacific Northwest. Delays in completion are the result of several factors:

1. *Delay in finalizing regulations.*—Although NFMA was passed in 1976, our current regulations were not finalized until 1983. The regulations were initially published in 1979, revised in 1982, and revised again in 1983.

2. *RARE II decision.*—Due to the court decision in *California* v. *Block* which addressed the adequacy of the RARE II EIS, the NFMA regulations were revised to direct a reevaluation through forest planning of the roadless areas being considered for possible wilderness designation. This had a significant impact on the planning process for most forests.

3. *New requirements subject to interpretation.*—The Committee of Scientists proposed many new concepts in the planning regulations for which there were not readily agreed upon interpretations or analysis processes. Examples include biological diversity, management indicator species, and minimum viable populations. The committee acknowledged that these were new ideas which no agency had previously attempted to define or achieve. As a result, a tremendous amount of time and energy was needed to develop interpretations and procedures to meet the requirements of the regulations. This process is ongoing even today, as appeals and litigation provide further clarification.

4. *Conflicting public viewpoints.*—The planning process is designed to encourage full public participation. Although this has been one of the great strengths of the process, it has also been very time consuming and in many cases has "fueled the fire" of public controversy. Throughout the planning process, the Forest Service, organizations, and individuals have raised important social and environmental issues. The planning process has provided a forum for discussion of these issues and in some cases has highlighted strong fundamental disagreements among our many publics. Trying to reach a consensus has been a very tedious and time-consuming process for some forests. In some cases, the only way these disagreements can be resolved is through equally time consuming appeals and litigation.

5. *Challenges to technical aspects of the process.*—Industry challenged the R-6 planning process on several technical planning items; i.e., "no-action" alternatives, management requirements, inventories, yield tables, etc. We have spent additional time working with industry and others to correct technical problems.

Question 2. Over the last 5 years, how many appeals and lawsuits have been filed challenging forest management activities in region 6?

Answer. There have been 21 appeals and 1 lawsuit challenging an old timber management plan to date. There have been hundreds of appeals and lawsuits for project-level activities.

Question 3. What was the effect on your timber sale program during this period of these appeals and lawsuits?

Answer. Even before the recent spotted owl lawsuits, the timber sale program was experiencing difficulty due to the delays caused by appeals and lawsuits on other issues. In order to meet a current-year volume target, sales were often brought forward from future years to offset sales delayed or abandoned. Over several years, this has reduced the volume in the "pipeline." Therefore, the lead time available to coordinate with other resources and to gather the site-specific data needed to complete environmental analyses has been greatly reduced.

Question 4. Of the appeals or lawsuits filed against the Forest Service challenging new forest plans, what percentage are based upon noncompliance with NEPA? What other statutes are raised as the basis of these challenges?

Answer. Most appeals, and all but two lawsuits challenging NFMA forest plans, have raised NEPA compliance questions. This statute provides a "catch-all" for many process requirements and thus is typically used to challenge a plan. In addition, other statutes have been cited, including the National Forest Management Act, the Endangered Species Act, the Clean Water Act, and the Administrative Procedures Act.

Question 5. One of the more frequent comments I hear from within the Forest Service is that you typically do not lose appeals of lawsuits on substance; rather, you lose on procedure because you did not, in some fashion properly document your decisions.

To the extent this is accurate, please describe the process the Forest Service has in place to review environmental documents, both internally and externally. What other procedural changes are you contemplating to improve your NEPA compliance?

Answer. Most of our management decisions and supporting environmental documents are not challenged either in the courts or in the appeals process. The two most frequent errors leading to reversals on appeals and lawsuits are (1) improperly documenting the environmental analysis in an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) rather than preparing an Environmental Impact Statement (EIS), and (2) omitting required information from environmental documents.

To correct these mistakes, we have increased training to improve employees' understanding of NEPA requirements, and to improve their skills at meeting those requirements. We will be conducting more management reviews of NEPA compliance to remind managers of their responsibility to assure adequate NEPA documents along with good resource management.

We also spot check analysis and environmental documents at the national level as part of our quality assurance. Regional Foresters and Forest Supervisors do likewise for programs within their responsibility.

We expect that our intensified training efforts (which started in May with national workshops attended by nearly all Forest Supervisors and their forest environmental experts) and the heightened importance of NEPA compliance in management reviews will improve our record in appeals and lawsuits.

Question 6. I understand the Forest Service is conducting a comprehensive review of its forest planning regulations. Please describe the reasons for this review, and provide the committees with an overview of your process and findings to date.

Answer. Since this is the first time any natural resource agency has conducted such extensive natural resource planning, we want to critique our current planning process to determine whether changes are needed in the process before revising forest plans.

Our critique began last summer. It is still too early to come to any conclusions or make recommendations. By the end of January, we should have some idea of the recommendations and changes we will make. We expect to release a final report in April.

Question 7. Everyone says we need a better base of information upon which plans can be developed. I have heard the complaint that we are basing million-dollar

plans on 10-cent inventories. Please provide the committees with an overview of the kinds of inventories necessary to prepare forest management plans. In light of the delays in preparing new plans in region 6, why didn't the Forest Service use the delays to integrate more recent inventory information into the new plans?

Answer. We need inventories of all resources on all national forest lands to properly develop forest plans. We are working toward this objective by clearly defining information requirements, using integrated or coordinated inventories where appropriate, and using remote sensing for mapping to keep costs to a minimum.

Field units were instructed to use available information rather than collecting new data in order to meet the schedule for completing the forest plans, but they were also expected to continue updating their inventories. For example, it takes about 4–5 years to initiate and complete a timber inventory. If new data becomes available in time, they are used in the forest plans. Final forest plans for the Siuslaw, Willamette, Deschutes, and Mt. Hood National Forests will be based on new timber inventories.

Forest plans are dynamic, and new inventory information is considered as the plans are revised. However, we have found that in order to complete the plans in a timely manner, we must have a cut-off date for the gathering of information.

Question 8. What is your assessment of your legal position in light of likely challenges to the validity of the new plans on the basis that they do not contain accurate or updated inventory information?

Answer. It is very likely that the forest plans will be challenged in court regarding inventories and data used in preparing the plans. NFMA included many requirements that have yet to be exposed to judicial review. The ruling in *CFEQ* v. *Lyng* (Rio Grande Forest Plan) that the timber prices used in the plan were outdated gives an early reading of the extent of judicial involvement in these questions. In *Layman Lumber Co.* v. *Butruille* (Wenatchee National Forest) the plaintiffs are attempting to block the printing and issuance of the forest plan because of alleged deficiencies in timber inventories and timber yield tables. We believe that the courts should defer to administrative agencies when reviewing these types of technical questions, particularly in light of the decisions made in forest plans.

Question 9. What mechanisms does the Forest Service use to take into account, and integrate where appropriate, new information while conducting management activities under existing management plans?

Answer. As new information becomes available, either at the regional or forest level, it is used in the development of site-specific project planning. This is particularly true of methods to mitigate adverse environmental impacts. After a forest plan is adopted, the planning process is specifically designed to identify and integrate new information as appropriate. Each forest plan contains a chapter on monitoring and evaluation. This chapter sets forth requirements for assessing ongoing activities during plan implementation and for evaluating the findings to determine if changes to the plan are needed. The process provides for plans to be amended if changes are warranted. As a result, plans are very dynamic and readily adaptable as new information becomes available.

Question 10. I have often heard the complaint that the Forest Service is not responsive to public input obtained in the forest plan development process. Some say public input is offered, and then vanishes into a "black hole" from whence it never returns.

Please describe for the committees the process you follow while soliciting public input during all phases of national forest management. How do you display the manner in which the Forest Service used, modified, or rejected such input?

Answer. Public involvement is an important component of the planning process. The public is encouraged to identify current issues and future needs and to make recommendations on the types of management activities they feel should be implemented and the types of goods and services which should be produced. They are also invited to review the draft forest plan and environmental impact statement. Forest Service reponse to public comments is presented in the final environmental impact statement.

Question 11. Section 6 of NFMA authorizes the use of citizen advisory panels as the agency conducts national forest management activities. Please describe for us how this section has been implemented in region 6.

Answer. We have not implemented this section of NFMA because of the administrative work involved in establishing advisory boards under the Federal Advisory Committee Act. We have relied on less formal public involvement activities to keep the public involved in our planning activities. Also, we encourage informal work groups at the forest level during plan development and implementation. The Con-

servation Foundation has helped us establish several "Friends of the Forest" groups designed to help develop and implement the forest plans.

Question 12. How does the current budgetary process for the Forest Service work in concert with (or hinder, as the case may be) the forest planning process? What changes (other than just sending more money) would you recommend in the budget process to more fully meet NFMA and NEPA requirements?

Answer. Forest plan objectives are projected on a 10–15 year basis and reflect local and regional perspectives, including local supply capabilities and market conditions. The forest plan objectives are the basis for formulating the agency budget request. The Federal budget process adjusts the planned forest outputs year by year in response to national economic conditions and priorities. Achievement of the outputs projected in the forest plans depends on the level and mix of funds appropriated each year. If the objectives of the plan become unachievable, it is necessary to amend the plan. We do not recommend changing the budget process.

Question 13. One of the major allegations raised in appeals and lawsuits is that the agency does not adequately evaluate the cumulative effects of its actions. Please describe for the committees the process you follow to conduct this type of analysis, both on an individual action basis, and when evaluating multifaceted management activities.

Answer. The CEQ regulations define cumulative impact as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or persons undertake such other actions."

Our analysis of cumulative impacts varies according to the scope and nature of the proposed action and the resource and land ownership context in which it occurs.

For management activities in timber, we have quantitative models to evaluate effects on water quality and quantity, aesthetic effects, and wildlife and fisheries habitat. The FORPLAN model in forest planning implicitly considers the cumulative impacts on the age and structure of forests and the nature and amount of wildlife habitat as it models the timing and dispersion of timber harvests. In our analysis of potential oil and gas leasing and exploration, we develop a scenario of reasonably foreseeable development which takes into account the cumulative impacts of our actions. The environmental analyses of ski area developments include the indirect impacts on community growth when added to other community trends. In mixed or "checkerboard" ownership, we monitor the changes on adjacent land and take those changes into account in our own management.

There is no one process for analyzing and reporting cumulative impacts. A variety of methods is used depending on the setting, the proposed action, and reasonably foreseeable future activities.

Question 14. How do you monitor the long-term effects of your management activities? What types of activities are monitored for their long-term impacts?

Answer. The level and mix of goods and services actually produced is the ultimate indicator of a plan's effectiveness. The plans are modified to resolve new or emerging issues and concerns. Forest plan changes are made utilizing NEPA procedures and direction in the Forest Service Handbook (FSH 1909.12).

The types of activities monitored for long-term impacts are determined in the monitoring direction contained in each plan. Examples of the types of activities monitored include road construction, timber harvesting, off-highway vehicle use, and wildlife habitat improvement projects.

Question 15. In recent years, we have begun to hear about "biological diversity," as well as about what does and does not constitute a healthy forest. Please explain what you interpret "biological diversity" to mean and what is your mandate to protect it?

Answer. Biological diversity is the variety of life and its processes in an area. In a typical national forest, that could easily encompass thousands of species and millions of ecological pathways and processes. The Forest Service focuses on those elements of biological diversity deemed most in need of conservation attention. This includes federally listed threatened or endangered species, species sensitive to anticipated human activities or environmental trends, unique and rare biological communities such as old-growth forests, and long-term ecological health of productive forests. A diverse or healthy forest contains its full complement of native species and communities, free to interact throughout the landscape. Ensuring such forests requires the full range of multiple-use management, from wilderness to intensive species management. Each forest plan describes the approach to be used in providing diversity of plant and animal communities on that land area to meet overall multiple-use objectives.

Question 16. NFMA states that "the Federal Government should be a catalyst to encourage and assist these owners [State, local, and private] in the efficient long-term use and improvement" of their lands. What activities and programs have the Department of Agriculture and Forest Service engaged in to help maximize the productivity and wise management of State, local, and private forest lands?

Answer. Under the Cooperative Forestry Assistance Act of 1978, our State and Private Forestry program provides technical and financial assistance to State forestry organizations, which in turn assist private forest landowners on over 700 million acres of forest land beyond the boundaries of the national forests.

This assistance includes the collection, analysis and dissemination of information, and nationwide studies and analysis on forest management and protection issues that affect all land ownerships, the transfer of technology from the latest research, and leadership on emerging national forestry issues that affect all forested lands regardless of ownership. In cooperation with State agencies, the Forest Service provides technical assistance to nonindustrial forest landowners to help them manage their forest lands. During 1988, this program helped landowners plan the management of 4 million acres, produced and planted 2.5 billion tree seedlings on some 3.4 million acres, provided financial incentives to owners of private forest lands for reforestation and timber stand improvement, and provided technical assistance to more than 6,000 projects in communities whose populations totaled over 30 million people. It also helped timber-dependent communities improve their economic conditions by strengthening the competiveness of the forest products industry in their communities.

Major emphasis is in the areas of insect and disease control, fire protection, forest health, forest resource planning, improved forest practices in harvesting, processing and marketing of forest products, urban and community forestry, and rural development.

Question 17. Over the last few years, the environmental community has repeatedly charged that the Forest Service is not following a sustained-yield policy in its timber management activities, particularly with regard to harvesting and reforestation. Please provide the committees with information regarding your compliance, or problems in compliance, with the sustained-yield policy mandated by Congress. For the record, please provide us with information about your reforestation activities.

Answer. The national forest timber program is based on sound biological and ecological principles, and it is responsive to congressional direction concerning how the national forests are to be managed including sustained-yield policy. One point that we must stress is that "sustained yield" does not mean there will be no fluctuation in annual timber harvest levels. The economy is inherently cyclical. The sale and harvest of timber fluctuates due to changes in the demand for and supply of timber and the wood products derived from it. Over the long term, these variations balance out, and we expect to achieve the average annual sale levels forecast in our plans. Natural catastrophes such as fire, windstorm, or insect attack also affect our timber sale levels, and NFMA makes special provisions for dealing with these problems.

The limit on timber sale volume that is part of the sale schedule in the new NFMA forest plans is the "Allowable Sale Quantity" (ASQ). The total volume planned for sale, including volume nonchargeable to the ASQ is referred to as the timber sale program quantity (TSPQ). Nonchargeable volume is volume that was not included in the calculation of the ASQ in the forest planning process (for example, cull material and fuelwood). Nationally, the ASQ for the draft and final plans released to date is 10.8 BBF, while the TSPQ is 12.1 BBF. For Washington and Oregon, the ASQ for the draft and final plans released to date is 4.0 BBF, while the TSPQ is 4.7 BBF.

Our actual average annual harvest nationally over the past decade (1979–1988) was 10.2 BBF. The actual average annual harvest in Washington and Oregon over the past decade was 4.3 BBF. The annual harvest ranged from a low of 2.5 BBF in 1982 to a high of 5.6 BBF in 1987. These harvest figures are total volume and include some volume that is nonchargeable to the potential yield or the Allowable Sale Quantity. In the Pacific Northwest, the percentage of nonchargeable volume is about 15 percent. The amount of harvest volume actually chargeable to the plan limit over the decade was about 3.6 BBF, which is significantly less than either the potential yield or the ASQ.

Nationally, the total volume-offered target in fiscal year 1989 was 11.5 BBF. The Washington and Oregon combined offer target for fiscal years 1989–1990 is 7.7 BBF of net merchantable sawtimber, which is approximately equivalent to chargeable volume. This gives an average annual offer of 3.85 BBF of chargeable volume, which is less than either the potential yield or ASQ for the region.

These facts show that on a decadal basis, we have been selling and harvesting timber at a sustainable rate in accordance with the applicable plans. However, it is also obvious that the high harvest levels of the past 3 years in the Pacific Northwest, as an example, cannot be continued indefinitely. They have averaged 5.4 BBF over the 1987-1989 period, while our sales have been much less resulting in a steep decline in the volume under contract. The harvest will have to decline to be in balance with the amount of timber now being sold, and in fact the harvest has been gradually declining over the past 3 years. Our new forest plans place increased emphasis on other resources and respond to the new requirements of the NFMA law and regulations. This has resulted in lower allowable sale levels in many cases.

Some people have the impression that deforestation is occurring, but this is not the case. We are required by law to reforest all harvested areas, and we have a proven record of success in doing this. In fiscal year 1988, we reforested over 416,000 acres of national forest lands, the highest since 1981. In addition, 37,000 acres regenerated naturally without site preparation. Thus, the total area regenerated was 453,000 acres. This compares favorably to the amount of new reforestation needs created in the same year due to timber harvesting and fires, which was 437,000 acres. Also, we conduct plantation survival checks after both the first and third growing seasons. If these checks indicate that either fill-in or total replanting is necessary, we do so and continue to monitor the areas. In most of the ecosystems we manage, there is often a significant amount of natural regeneration of trees in addition to what we plant or seed. Survival checks made after the 1987 growing season showed that first-year survival of planted seedlings averaged 73 percent, nationally, and no region was lower than 69 percent.

We have been programming and accomplishing an area equal to the area harvested during the past several years. The increased reforestation needs from the recent disastrous fire seasons have been programmed for accomplishment during the next 4 to 6 years. It will take that long because of the need to collect seed, grow seedlings, and accomplish the remaining site preparation.

Question 18. NFMA requires that the Forest Service, when restocking forest lands that have been harvested or deforested in some manner (by pest infestation or fire, for example), choose the level and type of treatment that will "secure the most effective mix of multiple use benefits."

There has been some comment that the Forest Service tends to replant only a single species (either Douglas-fir in the West or Ponderosa Pine in the East) which promotes a "monoculture" rather than the diversity of species that would be present in a naturally occurring forest. With this criticism in mind, please provide the committees with information about the Forest Service's current reforestation practices. Is there evidence that this situation is, in fact, occurring? If so, what does your research indicate about the effects of such management and what is the agency doing to respond to the problem?

Answer. There are extensive natural stands of predominately one species such as lodgepole pine, Douglas-fir, and true firs including noble fir and alpine firs. However, the Forest Service provides for a diversity of species in our reforestation program. In FY 1988, over 450,000 acres were reforested. Of this amount, about 65 percent, or 293,500 acres, were planted or seeded. The rest were reforested by natural methods, either by seed from the adjoining stands or by sprouting. In the areas that were planted or seeded, we often plant more than one species thus providing a mixture. In addition to the species planted, other species including alder, western red cedar, and hemlock on the west side of the Cascades seed in naturally. On the east side of the Cascades, other species including Douglas-fir, lodgepole pine, and true firs seed naturally.

FOREST SERVICE RESPONSE TO QUESTIONS FROM SENATOR METZENBAUM—NFMA OVERSIGHT HEARING, OCTOBER 25, 1989

Question 1. Well over half of our national forests are costing the Federal Treasury more money with each timber sale than they bring us in receipts. I believe that these gross subsidies are outrageous. How does the Forest Service justify this practice? How do you explain to the American taxpayer that these below-cost sales are serving the interests of the American people?

Answer. The NFMA does not require the Forest Service to preclude timber sales which lose money. According to our data, 53 percent of all national forest timber sale programs failed to recover the Government's cost of offering timber to be sold in FY 1988, before payment to States. There will be no increases in sale offerings

over recent sale levels on those national forests that have below-cost timber programs.

In FY 1988, the National Forest System's timber sale program produced a net return of $1.4 billion to the Federal Government, before paying $302 million to the States. These figures are based on the GAO approved Timber Sale Accounting System that follows generally accepted accounting principles.

Question 2. A mining company in Ohio is attempting to strip mine within the Wayne National Forest. The company contends that it owns Valid Existing Rights (VER's) to strip mine 5,440 acres of land within the forest. What is the Forest Service's position on the existence of Valid Existing Rights on public lands? Will you assure the Congress and the American people that you will not allow strip mining in national forests?

Answer. The Forest Service views the question of Valid Existing Rights (VER) on National Forest System lands as a property right, status or title issue. This right is largely governed by the deed language and intent of the parties as influenced by State law. However, the Office of Surface Mining, Reclamation and Enforcement (OSMRE) retains the final VER determination responsibility as provided in the Surface Mining Control and Reclamation Act of 1977. The Forest Service will provide title reports and opinions to OSMRE for use in their final determination of VER on National Forest System land.

Question 3. On the Wayne National Forest, the Forest Service uses road construction as one of the justifications for below-cost timber sales. The Forest Service says that these roads will last for decades, possibly even a century, and therefore are worth the expense. Will these roads actually last for decades without significant future investments? Are repair expenditures included in your cost considerations?

Answer. Yes, a road can be designed and maintained to last decades without significant future investments. To reopen a road that has been closed for many years may include removing slump areas, and replacing culvert pipes or bridges that may have been removed before closure.

The costs for closures are included in the initial planning for a timber sale. When a road is reopened the cost will be assessed to the new timber sale. When the road is left open for the benefit of other resources such as recreation, hunting and fishing, or firewood gathering, an additional analysis is done to evaluate the road management plans and future expenditures for the road. These costs are not included in the timber sale.

Question 4. Environmental groups have appealed every existing Forest Service management plan, citing excessive emphasis on resource exploitation over environmental concerns. What can be done to integrate environmental concerns into the planning process? How can we expedite resolution of these concerns in advance so that all parties will be satisfied with the plans?

Answer. One key to a successful planning process is public involvement. The best way to integrate any concerns is for the public to work together with the Forest Service as these plans are being developed. There are numerous success stories where individuals and interest groups have dedicated long hours to working together on plan issues so that their concerns are resolved without appeals or litigation. One key ingredient, however, is that the participants must be genuinely committed to achieving an agreement rather than having "hidden agendas" which rely on the time-consuming process of appeals and litigation.

The new administrative appeal regulations (36 CFR 217) emphasize negotiation when a dispute arises. Our increased emphasis on negotiation will help develop solutions that are satisfactory to the interested parties rather than reliant on a formal appeal decision. Our skill in both public involvement and conflict resolution has increased thanks to the experience we've gained in development of these first forest plans.

Other efforts are being made to help in the future. For example, the Conservation Foundation is working with the Forest Service to form public working groups to look at implementation of forest plans. As members of these and similar such groups become more comfortable working with the Forest Service and each other on a continuing basis, there should be a better climate for working together to resolve controversies as new issues arise.

It should be noted, however, that not all disagreements can or should be resolved through negotiation. The planning process raises many legitimate differences of interpretation which are appropriately resolved through a formal review process. Although effective public involvement and negotiation can resolve many controversies, the appeals process does have an important and useful role.

FOREST SERVICE RESPONSE TO QUESTIONS FROM SENATOR McCLURE—NFMA OVERSIGHT HEARINC, OCTOBER 25, 1989

Senator McClure. I note that there are 12 cases of appeal on the forest plan for the Idaho Panhandle National Forest.

Question 1. What are the administrative costs to proceed through the appeals process to date?

Answer. We assume that Senator McClure is referring to the Idaho Panhandle National Forest Plan appeals. About $230,000 have been spent on those forest plan appeals.

Question 2. What is the average administrative cost to process an appeal?

Answer. When we conducted an agency review of the appeals process, in preparation for rulemaking in 1987–88, we determined that it cost $16 million to administer Forest Service appeals during the period 1984–87. This included direct costs attributable to agency staff work only. During the same period, we processed 2,975 appeals at an average cost of $5,300 per appeal. This average cost is for a typical appeal such as a single appeal of a timber sale. The cost to process an appeal for an entire forest plan is of course much more, depending on the complexity of the appeal and the number of appellants.

Question 3. What is your estimate of administrative cost expended so far this calendar year throughout the Forest Service System on the appeals process?

Answer. Our figures are on the basis of fiscal year rather than calendar year. For fiscal year 1989, our direct cost (agency staff work only) was about $6.3 million. This involved 1,291 appeals at an average cost of $4,800.

Question 4. What is your estimate of administrative cost expended so far this calendar year throughout the Forest Service System on litigation involving individual sales? Please provide a breakdown by region.

(Dollar amounts are for fiscal year 1989)

Northern Region (R–1)	$403,000
Rocky Mountain Region (R–2)	9,000
Southwestern Region (R–3)	2,000
Intermountain Region (R–4)	70,000
Pacific Southwest Region (R–5)	98,500
Pacific Northwest Region (R–6)	[1] 32,500
Southern Region (R–8)	[1] 0
Eastern Region (R–9)	1,548
Alaska Region (R–10)	1,600,000
Total	2,216,548

[1] Does not include litigation related to spotted owl (R–6) or red-cockaded woodpecker (R–8).

Question 5. Can you identify the problems in the planning process as identified in the appeals that we might solve by legislation?

Answer. We are evaluating the planning process to determine what, if any, changes should be made as we begin to revise forest plans. At this time, it is still too early in the critique process to know what conclusions and recommendations will be made. We are interested in proposals by some Members of Congress to provide a more orderly process of appeals and judicial review.

Ppepared Statement of Dennis C. LeMaster, Professor, Department Head, Department of Forestry and Natural Resources, Purdue University, West Lafayette, IN

Ten years ago, the Committee of Scientists wrote in the report accompanying the second draft of the regulations to implement the planning provisions of the National Forest Management Act:

We also emphasize that in order to work, the planning process envisioned by these regulations must be supported by all parties with interests in the national forests. The process can be made to work, but not if it is approached divisively. Implementation of these regulations can bring about either of two futures. The next few years can be a constructive period of dialogue, common effort and cooperation or

they can be a continuation of the present paralysis of mistrust, bickering and negativism. It is clear the Nation's interests will be served only by diligent pursuit of the former, constructive path (Federal Register, May 4, 1979, p. 26610).

These words were prophetic, and today, 10 years later, in national forests where the interested parties have come together, planning is generally working and where they have not, planning generally is not working. I would offer as examples of national forests in which the planning process has worked and significant forest management issues have been resolved: the Carson National Forest in New Mexico, the Hiawatha National Forest in Michigan, the Nezperce National Forest in Idaho, the Siskiyou National Forest in Oregon, the Chattahoochee-Oconee National Forest in Georgia, and the White Mountain National Forest in New Hampshire and Maine.

It is very difficult to argue that planning is not working when 97 of the 123 possible plans, 79 percent, have been completed. On the other hand, it is also difficult to argue that national forest planning is working well when 13 years after enactment of the National Forest Management Act and 10 years after the implementing regulations were promulgated, 25 plans are still in draft form and 1 is still in preparation, when there has been so much instability in the planning process, when the interested public has had much difficulty in understanding it, when the cost-effectiveness of planning is of much concern, when the probability for litigation is large, and when there is much doubt by the public about whether the plans can be implemented. National forest planning is working, but it must be made to work better. Improvements are necessary.

And the first area in which the process can be improved is to provide for situations in which irreconcilable differences are identified. A premise of the National Forest Management Act is that conflicts over the use and management of the national forests can be resolved through comprehensive planning, using a rational-technical approach and public involvement. With hindsight, I think the premise is only partially valid. While planning can resolve many conflicts, there are others in which the interests are so polarized, disagreement is so great, that they can only be resolved by Congress or the courts. The National Forest Management Act has no mechanism, like binding arbitration for example, for addressing such conflicts. Some may argue that it should have, and an amendment to the act that would provide such a mechanism is worthy of committee consideration.

I would suggest, however, that this mechanism would address effectively only a certain kind of polarized conflict, conflicts that have developed principally because of the personalities and behavior of the individuals or groups involved. It will not address conflicts caused by obscure or conflicting policy. And it certainly will not address major conflicts like the spotted owl-old growth forest issue in the Pacific Northwest. The stakes are too high. The proper arbiter is either Congress or the courts. And I for one would prefer that these conflicts be addressed by Congress. By nature, court decisions tend to be too specific for the formulation of good public policy in natural resources.

An important caveat must be included, however. Such conflicts should be addressed systematically and openly by Congress. And that does not include the appropriations process. The extent to which policy formulation is currently being done through the appropriations process in the natural resources and environment area is extraordinary from a historical perspective. Policy formulation through "special language" has become routine. Because the appropriations process does not provide well for full and systematic treatment of a policy issue, because it is relatively obscure and inaccessible to the public, treatment of important policy issues in this way is unwise.

Another aspect of national forest planning that should be improved is the treatment of Forest Service employees. By any standard of fairness and equity, Forest Service employees involved in national forests planning are entitled to better treatment than they are receiving. It should be recognized that given the size of the National Forest System, the number and complexity of the associated ecosystems, the technology that has been applied, and the degree of public involvement, the work of the Forest Service in national forest planning is unprecedented and, indeed, has achieved some significant successes. Forest Service planners deserve respect for their accomplishments, and they are not getting it. They certainly are not deserving of contempt or ridicule by anyone.

It is important to note at this point that the Forest Service is reviewing the national forest planning process as it has evolved, using independent sets of internal and external reviewers. Their work is scheduled to be completed in the spring of next year (1990). An additional joint oversight hearing following the review by the Committee on Agriculture, Forestry, and Nutrition and the Committee on Energy

and Natural Resources would be informative for all concerned and helpful in further policy implementation.

One of the questions central to this hearing is "Does national forest planning provide for resource sustainability, forest output certainty, and equitable access to the appeals and judicial processes?" Its ambiguity is troublesome. If the intended meaning of "provide for" is "to allow for" or "to take into account," the answer is "yes." If the intended meaning is "to provide or supply in an unqualified sense," the answer is "no." My recollection and study of congressional consideration of the National Forest Management Act would lead me to conclude that a national forest plan is nothing more than an agreed upon management strategy with respect to a designated land area for accomplishing a desired set of objectives. It certainly is not a contract, which leads to an additional troublesome aspect of the question: the issue of certainty. We are dealing with forest ecosystems, and while incredibly dynamic, there are limits in what can be expected of them in terms of resource yields. These limits have been reached in the Pacific Northwest. We may want certainty in timber output levels, but given their current level and the other requirements imposed on the national forests, we are very optimistic to expect it.

Another central question to this hearing is "What makes the planning process work for one national forest and not another?" The answer lies in part with the differences in respective capabilities of forest planners and the cooperative spirit and attitudes of the interested publics. It also lies with the different values of the resources involved. Some national forests have more highly valued resources than others and alternative uses of these resources often directly conflict with one another. For example, the Willamette National Forest contains large areas of mature sawtimber which the timber industry would like to buy. It also contains large areas of mature forest ecosystems whose existence many environmentalists would like to retain. The land areas involved are virtually the same. Conflict is fierce. Frankly, I do not see forest planning as being capable of resolving this and like issues.

But this does not mean there is something wrong with forest planning or the National Forest Management Act. There is no evidence that any of the authors of the National Forest Managment Act thought that it would resolve all issues concerning the use and management of the national forests, and certainly not "high-stakes" issues like the spotted owl-old growth forest issue in the Pacific Northwest or the Tongass National Forest-economic development issue in southeastern Alaska. Specific legislation will have to be enacted to resolve these issues, for the adversaries are not going to compromise. I would suggest it be done sooner rather than later and done through free-standing legislation, *not* an amendment to the National Forest Management Act, because of the apparent differences in the scope of the existing law and the proposed legislation.

A final question central to this hearing asks if national forest planning is adequately integrated with other processes associated with the management of the national forests, like the strategic planning process provided for in the Forest and Rangeland Renewable Resources Planning Act (RPA) and the appropriations process? My response is "not as well as it should be." In other words, some improvement can be made in the integration of national forest planning with the RPA process, and a great deal of improvement can be made integrating national forest planning with the appropriations process. Funding availability is one of the principal reasons that many are skeptical about whether national forest plans can be implemented. The Subcommittee on Interior and Related Agencies of the Committee on Appropriations might consider funding the National Forest System component of the Forest Service budget on the basis of national forest plans rather than the categories it currently uses, namely: land and resource protection, renewable resource management and utilization, and general administration.

In conclusion, I would encourage the members of the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources, to "stay the course." The National Forest Management Act is a good act. It mandated needed reform in the management of the national forests, a more comprehensive, integrated approach. The act can be constructively amended by removing some of its ambiguities (like the land suitability and species diversity provisions) and perhaps by offering a procedure for resolution of some disputes which cannot be resolved through the normal planning process. But I am convinced the basic spirit and framework of the act is working, is necessary, and is correct in approach.

Nevertheless, there are a few issues, for example, the spotted owl-old growth forest issue and the Tongass National Forest-economic development issue, in which controversy has reached national proportions and which should be addressed by Congress. Because of the comparative narrowness of these issues, I would encourage

that it be done through free-standing legislation rather than as an amendment to the National Forest Management Act.

Thank you.

PREPARED STATEMENT OF V. ALARIC SAMPLE, SENIOR FELLOW, THE CONSERVATION FOUNDATION, WASHINGTON, DC

Good afternoon. I am Al Sample, a senior fellow with the Conservation Foundation. The Conservation Foundation is a nonprofit policy research organization affiliated with the World Wildlife Fund and headquartered here in Washington, DC. Since 1948, the Conservation Foundation has been committed to improving the quality of the environment and to securing wise use of the Earth's resources by influencing public policy. Through the work of an interdisciplinary staff, the Foundation seeks to ensure that resource policies are grounded in rigorous factual analysis and public understanding. We focus on identifying and analyzing the most important environmental issues, bringing them to the attention of opinion leaders, and advancing effective policy responses that are sensitive to ecological, economic, social, cultural, and institutional values. I am here today to share with you some of the insights I have gained through several years of research on budget impacts on forest plan implementation both before and since my association with the Conservation Foundation.

To many national forest users, especially those at the local level, the greatest flaws of the national forest planning process are:

- Its failure to resolve longstanding conflicts over the use and protection of national forest resources, and
- The high degree of uncertainty over how a given national forest will be managed over the coming years, especially future resource outputs and conditions, despite the completion of the plans.

Although measures can be taken to improve conflict resolution and reduce the need to resort to administrative appeals, some conflict is inherent—and appropriate—in the process. The availability of relief through the checks and balances of legislative and judicial review is a fundamental and necessary manifestation of this Nation's chosen form of government. No executive agency should be making decisions on the use of public resources that are incontestable and exempt from legislative and judicial review. There are other measures to reduce uncertainty of plan implementation that are well within the authority and capability of the Forest Service. The agency cannot do it alone, however. Cooperation and support from Congress will be necessary ingredients in any progress that is made.

One of the areas engendering the greatest uncertainty in plan implementation is the lack of integration of forest planning with the budget and appropriations processes. For this aspect of the process in particular, successful implementation of NFMA through forest planning is a continuing joint responsibility between Congress and the Forest Service. Working in concert with one another, the two institutions can substantially improve the integration of planning and budgeting and substantially reduce the uncertainty from this source.

FOREST SERVICE

The Forest Service must finally recognize that its planning mandates—whether RPA or NFMA—will not necessarily lead to increases in its budget, and begin to develop forest plans that are based upon a reasonable range of funding expectations. Forest Service planners have traditionally interpreted their responsibility as professional resource managers as being to display the ideal management regime regardless of its cost, forecasting funding availability has been seen as a political exercise that is somehow outside the purview of a professional resource manager. More concretely, however, it was felt that displaying the opportunity costs of not providing full funding would somehow compel the Congress to substantially increase the agency's appropriations over historical levels.

After 15 years of experience with the three RPA programs prepared, it seems fairly clear that this strategy has not worked. To date, RPA planning has taken the traditional approach, resulting in programs that were based upon budget assumptions so far above what can reasonably be expected than the program lost much of its relevance to congressional appropriations decisionmaking for the Forest Service. As a result, the programs have had little influence on resource management decisionmaking by officials in the Forest Service itself, and thus have been of little interest or relevance to citizens and national forest user groups. Apparently, this is

now being recognized by some within the Forest Service, and there are some encouraging changes proposed in the draft RPA program for 1990.

With the exception of just one of the nine Forest Service administrative regions, forest plans were developed according to the traditional model with little or no consideration of budget limitations. This has produced an entire array of forest plans based on such high cost assumptions that they will almost certainly not be carried out as written. The ranchers, loggers, hikers, or elk hunters who look to the local national forests for their livelihoods and recreation are not interested in planning philosophy. They have made tremendous investments of time and energy in the development of these forest plans, and they want to know what sort of management they can expect on these lands over the next few years. The forest plans can tell them what sort of management would have taken place had unlimited funding been available. In most cases, however, the plans cannot tell them what will happen at the funding level that is likely to prevail. Not only does this make the plans less useful as a source of information, it can exacerbate conflict during the implementation of the plans. Expectations are raised and conflicts eased on the assumption that there will be a bigger pie to go around; these hopes are frustrated and the conflicts resumed when it turns out the pie has not changed after all.

There are two measures that can be taken by the Forest Service to alleviate these difficulties. First, planning alternatives should be based on assumptions of overall funding not to exceed, say, 110 percent of current funding in constant dollars. Different management emphasis in each of the planning alternatives might assume different mixes of funding among resource programs (timber, recreation, wildlife, range, soil, and water), but keeping the "bottom line" within a reasonable range of the current funding trend will provide greater certainty that, at least from a budget perspective, any one of the alternatives could actually be implemented. The Forest Service region that adopted this approach during the first round of forest planning has found itself with sensible, implementable forest plans while in other regions Forest Supervisors are already going back to their local publics to explain why they can't do what they said they would do (and generally laying the blame on Congress). The plans serve a key role in the allocation of funds by the Chief's office to the regions, however, and basing its plans on reasonable budget assumptions has hurt the one region in this internal administrative competition. Thus, for this approach to work it would have to be adopted by all regions to reestablish a level playing field internally in the agency. The Forest Service is notably tradition-bound and making such a change might require a little prompting from the Congress.

Second, and perhaps as an alternative, the plans should display the resource managers' estimate of the optimal distribution of funding among the resource programs at a variety of overall funding levels less than 100 percent. If only 70 percent of the ideal funding level is available, it may not make sense to reduce all programs by 30 percent across the board. This mechanistic Gramm-Rudman approach to budget reduction takes no account of priorities among programs, nor does it recognize the interactions among resource programs. At 100 percent funding, there may be many "nice to do" projects that would not appear at all at 70 percent funding; on the other hand, key programs or projects may receive the same level of commitment at the lower level as at the higher. Such a display in the Record of Decision or perhaps as an appendix in the final plan would get this message across to national forest users at the outset, conveying the managers' best estimate of how the thrust and emphasis of the forest plan will be maintained, even under reduced budgets. Early disclosure may also help avoid ill will when, during implementation, the various boats seem to be settling unequally as the budgetary tide recedes.

This second measure could also be a useful tool for congressional budgetary decisionmakers. A primary purpose of the plans is to establish, with the help of broad-based public involvement, what the management emphasis should be on the National Forest System, for individual national forests and for the system as a whole. Plans that show the relative emphasis among resource programs only at an unattainable 100 percent funding level are of little guidance to Congress when the difficult choices must be made on how to best distribute a much more limited budget. Using the integrated resource management approach called for in NFMA, and relying on an understanding of resource interactions that is far greater than that of most Members of Congress, Forest Service resource professionals can communicate to Congress as well as to the public how funds can best be allocated among resource programs at reduced budget levels and still maintain the management emphasis established in the plans.

Congress

Congress must recognize that resource programs on the national forests are inextricably intertwined. When the appropriations committees see the Forest Service budget request in the President's budget they see a series of 60 or so seemingly unrelated budget line items, not integrated forest management projects that may simultaneously serve timber, wildlife, recreation, and fire protection objectives. When the politicking begins and the appropriations committees substantially increase some budget line items while reducing others, it violates the integrated resource management approach represented by the forest plans. Making such changes through the relatively closed appropriations process runs counter to the broad-based grassroots public participation in the development of the plans—a hallmark of NFMA—and negates the value of the often lengthy and arduous local negotiation that produced the final plans.

With the additional information provided by the Forest Service on how the management emphasis depicted in the forest plans can be maintained at a variety of overall funding levels, Congress can go much further in seeing that plans prepared at its request by the Forest Service will actually be successful and effective management tools, for agency officials and national forest users alike.

The appropriations committees need to be especially careful that they do not give policy direction to the Forest Service that is at cross purposes with the agency's planning mandates, forcing officials to choose between disregarding either the appropriations directives or the requirements of NFMA and other statutes as reflected in the forest plans. Attempting to simultaneously satisfy two conflicting provisions of law is almost certain to make the Forest Service vulnerable to legal action, adding to the delay and frustration already being experienced. If through the agency's own monitoring and evaluation, or through oversight hearings such as this one, it is determined that certain approaches used to develop the forest plans are not consistent with congressional intent, those approaches can be changed.

One example of this that is sure to receive growing attention is the timber sale targets that have come to be established in the annual appropriations bills and their relation to the Allowable Sale Quantity (ASQ) established in the forest plans. Congress has recently considered proposals to require local managers to sell the full average ASQ each year, providing special funding and immunity from judicial review to facilitate this. The inability of some national forests to offer their full ASQ is certainly related to administrative appeals of individual timber sales and to the need for more detailed environmental analyses where timber sales are proposed in nonwilderness roadless areas. To a greater extent than is generally realized, however, future shortfalls will be due to the ASQ themselves having been established on the basis of overly optimistic estimates of current timber volume and projected growth and yield. Most of the forest plans were prepared under the pressure of deadlines and intense political strains. The information that served as the basis for the plans had shortcomings that are only now being corrected as timber sales are actually cruised and techniques for projecting future resource availability are improved. Pushing more money on Forest Service timber managers will not create more trees out in the forest, at least not in the near term. There were sound reasons for pressing ahead with the best information available at the time. But the agency also needs the flexibility to amend and revise the plans to reflect more accurate information as it becomes available, even if it means that the ASQ for some forests may decline somewhat.

At any given point, the ASQ represents the professional resource managers' best estimation of the maximum timber harvest level that can be sustained. For the Forest Service to be bound by the annual timber sale targets in the appropriations bill to exceed this level is to pressure the agency to violate fundamental elements of the statutes that guide the management of the national forests. If the procedures for determining the ASQ or any of the other methodologies of national forest planning, are felt to be unsatisfactory, they should be taken up in the open public forum provided by the authorizing committees, then accomplished through amendments or revisions to the forest plans with the grassroots public involvement envisioned in NFMA. Congress and the Forest Service must work together to see that the process remains sensitive to the needs of citizens living near, and most affected by, the national forests.

Summary

For national forest users, a major source of uncertainty and frustration in forest planning is the impact of Federal budgeting on plan implementation. For most national forests, it is virtually certain that the funding will not be available to carry

out the management activities described in the forest plan. Despite this, the plans provide very little information on how the management approach and emphasis depicted in the forest plans will be maintained even at reduced budget levels.

To overcome this, Congress must work together with the Forest Service to better integrate the budget and appropriations process with the national forest planning process. The Forest Service should revise the forest planning process to:

• Develop plan alternatives that, while displaying a range of different management approaches and emphasis, are grounded on budget assumptions that reflect reasonable expectations of future funding availability (i.e., within a reasonable range of current funding trends); and

• Display in the planning documents the resource managers' best estimate of the optimal distribution of funding among the different resource programs such that the thrust of the forest plan can be maintained at a variety of overall funding levels, including reduced funding.

In response, the Congress should:

• Recognize that, as directed by NFMA, the Multiple Use-Sustained Yield Act and other statutes, the Forest Service has used an integrated resource management approach in the preparation of the forest plans, and that the plans will henceforth be the basis for Forest Service budget development. In substantially increasing some budget items while decreasing others, the congressional appropriations committees overlook the interrelatedness of resource programs, resulting in a mix of funding that makes it extremely difficult for local managers to carry out the intent in the forest plans.

• Avoid giving the Forest Service policy directives that are at cross purposes with the agency's planning mandates, especially through the congressional appropriations process. Don't constrain local Forest Service officials from making timely amendments or revisions to the forest plans in order to reflect improvements in data or changes in resource conditions. If outcomes are seen by Congress as unsatisfactory, pursue policy changes through open hearings and deliberations in the authorizing committees, and translate those changes to action through amendments or revisions to the forest plans with public involvement.

National forest planning is perhaps the most detailed and comprehensive planning process ever undertaken by any Federal agency. It has been a decade long experiment and, as in any worthwhile experiment, things have not gone entirely as anticipated. We have all invested a great deal of time, money, and effort to see that forest planning accomplishes the many goals of the National Forest Management Act. In our impatience to supplant this process with one that somehow better achieves the hoped for outcomes, let's not overlook the many accomplishments already made and the many valuable lessons learned along the way.

With all its difficulties, there are few who would call for a complete rollback or overhaul of the existing process. The glass is more than half full. We at the Conservation Foundation look forward to working closely with Congress, the Forest Service, and the array of national forest users to be sure that the problems with the existing process are clearly and accurately identified, and that solutions are then found that will efficiently and effectively address those problems.

Thank you. I would be happy to answer any questions the committees may have.

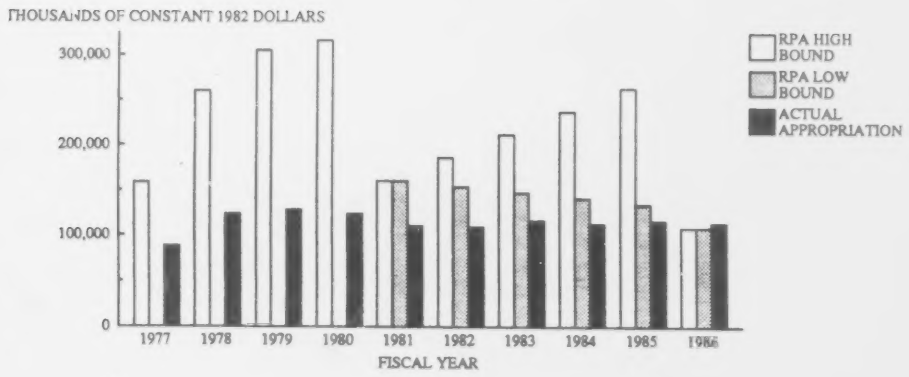
[Charts follow:]

FOREST SERVICE BUDGETS AND RPA PROGRAM TARGETS

Fiscal Years 1977 - 1986

TIMBER PROGRAM

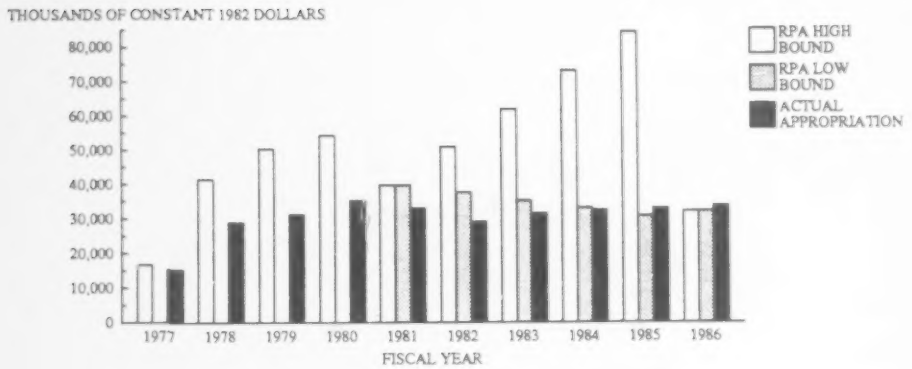
RECREATION PROGRAM



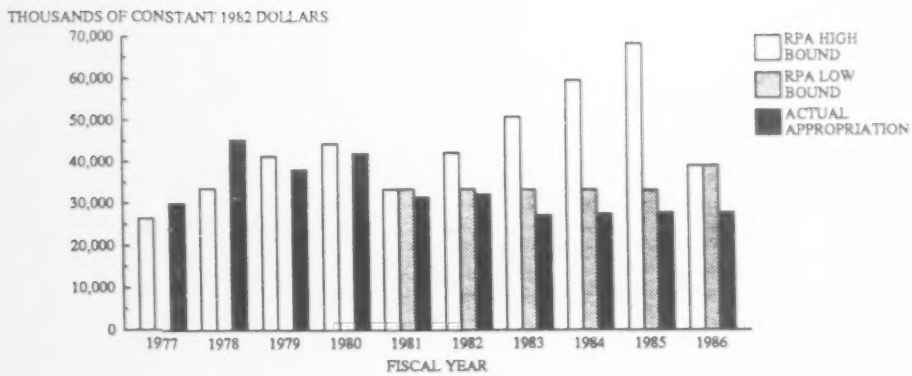
FOREST SERVICE BUDGETS AND RPA PROGRAM TARGETS

Fiscal Years 1977 - 1986

FISH AND WILDLIFE PROGRAM



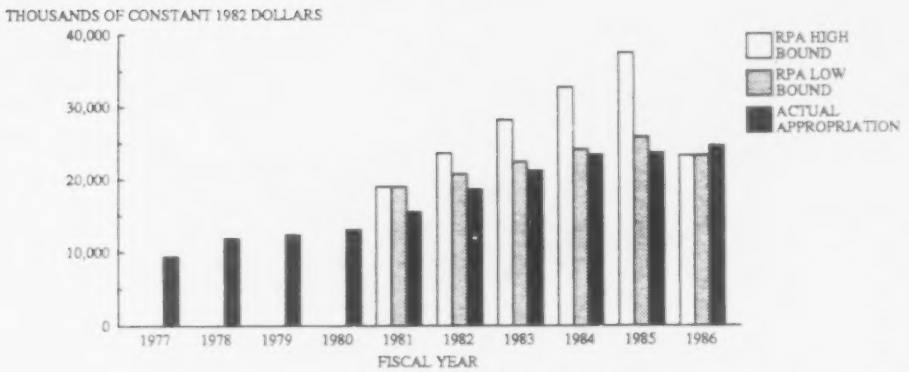
SOIL AND WATER PROGRAM



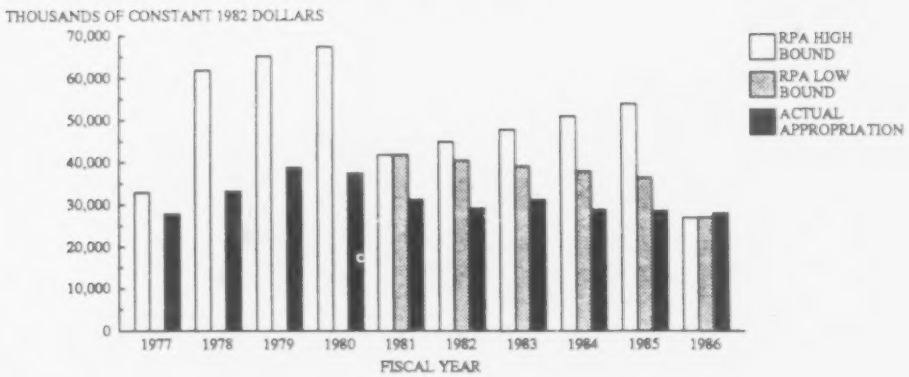
FOREST SERVICE BUDGETS AND RPA PROGRAM TARGETS

Fiscal Years 1977 - 1986

MINERALS PROGRAM

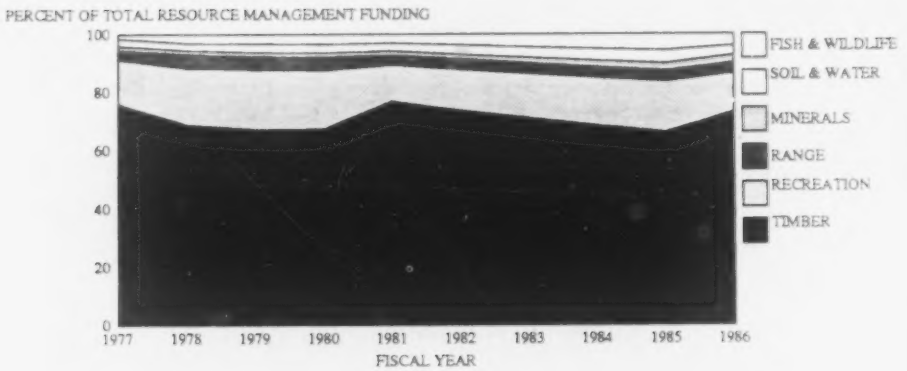


RANGE PROGRAM

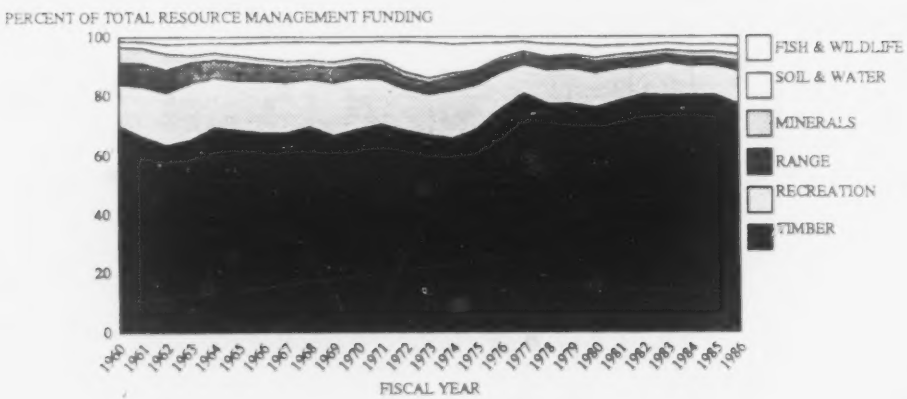


DISTRIBUTION OF FUNDING AMONG NFS RESOURCE PROGRAMS, RPA TARGETS VS. ACTUAL APPROPRIATIONS

RPA BUDGET TARGETS, FY 1977-1986

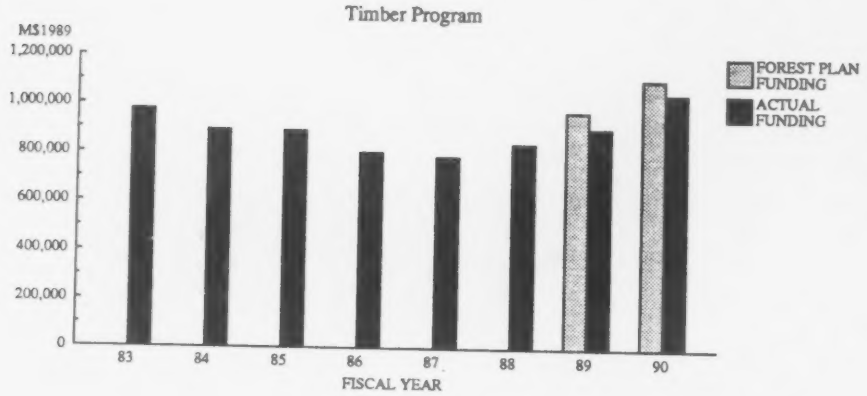


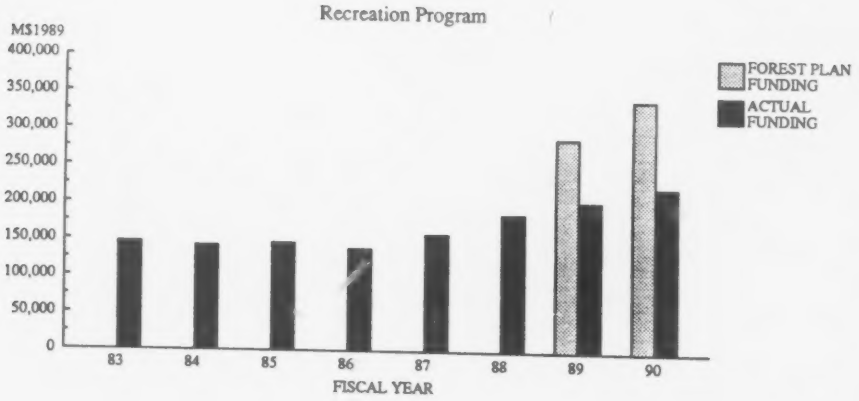
ACTUAL APPROPRIATIONS, FY 1960-1986



COMPARISON OF PLANNED AND ACTUAL FUNDING

Fiscal Years 1989 and 1990

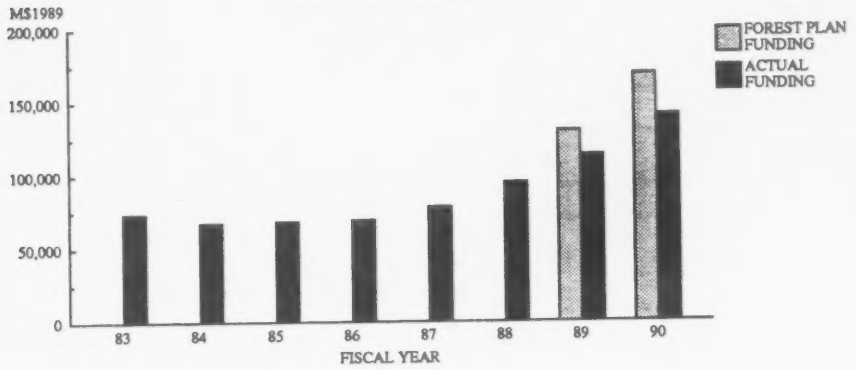




COMPARISON OF PLANNED AND ACTUAL FUNDING

Fiscal Years 1989 and 1990

Fish & Wildlife Program



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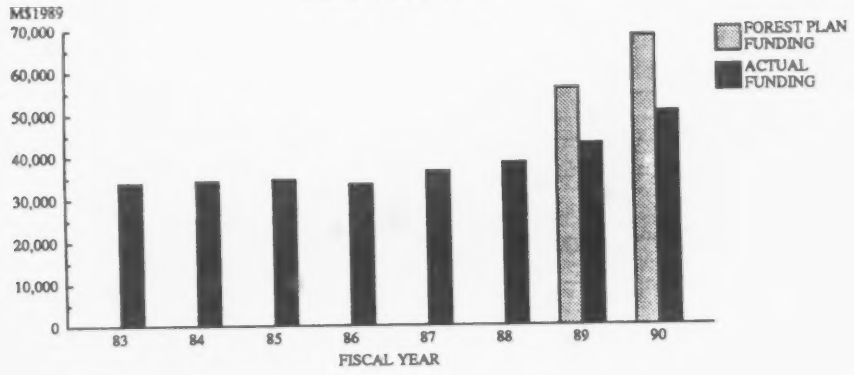
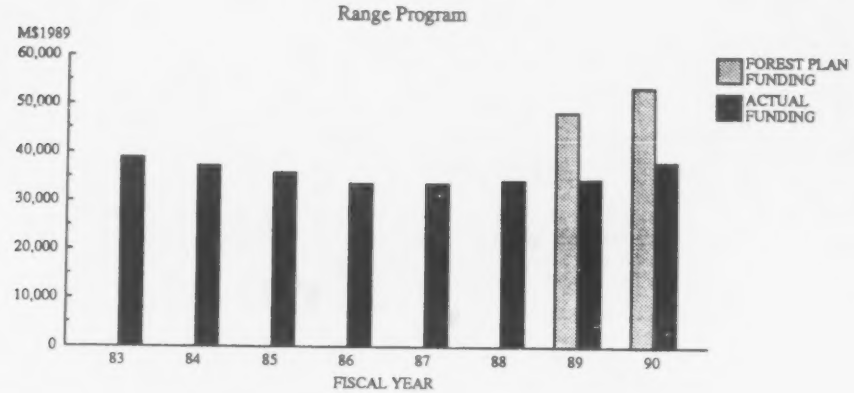
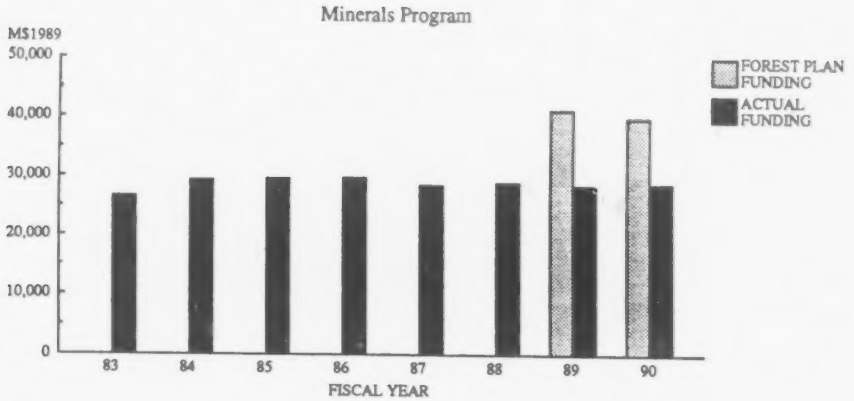


COMPARISON OF PLANNED AND ACTUAL FUNDING

Fiscal Years 1989 and 1990





PREPARED STATEMENT OF JAY D. HAIR, PRESIDENT, NATIONAL WILDLIFE FEDERATION, WASHINGTON, DC

Mr. Chairmen and committee members, thank you for the opportunity to present the views of the National Wildlife Federation (NWF) on matters related to the National Forest Management Act. My name is Jay D. Hair and I am president of NWF, the Nation's largest conservation/education organization with 5.8 million members and supporters, and affiliate organizations in 52 States and territories.

Throughout its history, the Forest Service has used planning processes to guide the management of forest resources and people in our National Forests. Yet, with the passage of two pieces of legislation in the mid-1970's—the Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974 and the National Forest Management Act (NFMA) of 1976—the agency's planning process was catapulted into a new era of visibility and public involvement. More than a decade has passed, and the Nation—as well as the agency and the environmental community—is still struggling to fulfill the expectations of "forest planning."

The national forests are to be managed for multiple-use benefits associated with recreation, range, timber, watershed, and wildlife and fish resources. The National Forest Management Act, and the planning process that has evolved in the last 13 years, was intended to provide a process by which the Forest Service can meet this mandate.

The question before us is whether planning under NFMA has provided the format for meeting the multiple use mandate. Unfortunately, the answer is that in many national forests, it has not. It is our belief that national forest planning and management remain dominated by the production of timber and other commodities, and that noncommodity resources are typically viewed by the agency not as values to be managed and protected, but as impediments to the production of timber.

Our experience with the forest planning process during the last 13 years has led to the following five conclusions as to what works and what does not, and why. Several of these conclusions address the agency's timber bias and how it could be reduced.

First, we conclude that controversy and conflict are inherent in the forest planning process. The real challenge facing the national forest planning process is not the elimination of controversy, but the successful resolution of conflict.

Second, conflict resolution are best achieved when the Forest Service utilizes the fullest involvement of the constituencies affected by agency management decisions.

Third, the potential effectiveness of this public involvement—and ultimately the legitimacy of the planning process—is readily crippled by arbitrary congressional mandates and agency biases.

Fourth, the Forest Service has a credibility problem—a lack of public trust. The agency has created this problem and it hampers public involvement and undercuts the effectiveness of forest planning.

Fifth, and finally, judicial review and administrative appeals are valid and essential quality control mechanisms, protecting the public and our national forest resources from inappropriate and illegal agency management activities and decisions.

I would like to take a few moments to elaborate on each of these points. First, with regard to the controversy surrounding forest management decisions, a bit of historical context is in order. Prior to World War II, forest policy was the domain of a fairly small, tightly knit group of Government land management professionals. Major public debate of national forest management issues were rare. Following the war, however, new public values and goals helped elevate interest in land management and have sparked increasing conflict and controversy.

In the late 1960's, conflicts surrounding competing environmental demands, philosophies, and interests grew into outright confrontations. The 1970's saw a sharp rise in litigation by increasingly active citizens' groups. New environmental organizations appeared and existing conservation groups grew more aggressive. The 1980's have brought with them increasing understanding about the importance of the forest ecosystem and the need to manage these ecosystems wisely. This growing awareness, combined with competing demands for a limited land base and increasing use of national forests by an expanding population, means that controversy will continue to accompany forest policy decisionmaking.

This brings me to my second point. If conflict cannot be eliminated, it can be successfully managed and resolved. On both the Green Mountain National Forest in Vermont and the Deerlodge National Forest in Montana, the planning process was successful when the agency and all affected interest groups "came to the table" to chart the future of these forests. Although the circumstances vary between these

two forests, a valuable lesson is provided: Forest planning works best when it is an open process that encourages public participation.

Third, we must realize that public input alone does not guarantee that the planning process will be a success. Public participation has little meaning in a planning process that has been rigged by agency biases or congressional influences. These biases and influences can skew the planning process at a number of levels. When planning is driven from above, by unbalanced budgets, high levels of road construction, and unrealistic timber sale levels proposed by the administration and legislated by Congress, then the creation of balanced plans will prove to be an impossible goal. There is, for example, little utility in a forest planning process that has been constrained to achieve preselected Allowable Sale Quantity (ASQ) levels ordained by congressional targets.

Agency biases can also undercut the planning process—with or without the benefit of political pressure. The forest planning process is driven by the agency's emphasis on the production of timber and other commodities. Protection of wildlife and other nontimber resources are achieved only to the extent that it does not interfere with the agency's primary agenda—the sale of timber. This institutional bias creates a situation of "multiple resource management by exception," where timber production is the standard practice and the protection of wildlife and other resources is the exception.

The dominance of timber management over the protection of other forest resources can create biased agency planning assumptions regarding the relationships between commodity production and the protection of wildlife and other noncommodity resources. Faced with the timber driven planning model, FORPLAN, it is little wonder that many citizen's have decided that forest planning is a rigged game.

Fourth, the perception that the forest planning process is rigged, and that the Forest Service is dealing the cards from the bottom of the deck, has contributed to an increasing lack of public faith in the agency. When agency biases result in the alteration of assumptions and analysis that should be based solely on scientific grounds, or when the agency cannot provide consistent "facts and figures" to the Congress and public—as has been the case in the recent controversy surrounding ancient forests—it does a disservice to itself, the Congress, and the American people. Resource conflicts can be resolved and balanced management decisions are possible, but only if the agency and the Congress allow the planning process to function as intended under NFMA.

In the face of both political pressure and agency biases public oversight of the planning process is a necessary counterpoint in the planning process. These concepts of public involvement and "checks and balances" are fundamental to our system of government. The American public expects to have a say in the protection of our environment and the management of our Nation's resources. This public oversight helps ensure that agency decisions reflect what is best for the environment and for the people.

Although some have suggested that administrative appeals and judicial review provide avenues for obstructionist tactics used to frustrate Forest Service decisionmakers, this belief is both inaccurate and dangerous. These processes of public participation and oversight are absolutely necessary quality control mechanisms, protecting the public and our national forests from illegal and inappropriate agency management activities and decisions.

Without the oversight of environmental standards by concerned, involved citizen-activists and the courts, the environmental laws of our Nation would not be effective. Our air is cleaner, and our water and food safer, because laws that Congress has passed have been enforced through court action as a consequence of citizens' suits.

Recently, in Alaska, we have seen the disastrous results of laying aside environmental standards and judicial review in the name of political expediency. The *Exxon Valdez* oil disaster in Prince William Sound is an example of what can happen when judicial review is limited. These limitations were imposed in order to quickly approve the Trans-Alaska pipeline that transports crude oil to the port at Valdez. Although environmental threats associated with tanker transport of oil from Valdez had not been adequately analyzed, Congress barred courts from hearing citizen's suits seeking a review of an alternate overland route for an oil pipeline.

The National Wildlife Federation is committed to protecting our environment, public lands, and resources through the enforcement of the appropriate laws and standards. We try to negotiate fairly on these issues, with the goal of reaching decisions that protect the environment while balancing the concerns of affected interest

groups. We will continue working toward the resolution of environmental conflicts, but we will not consider giving up the fundamental principle of our day in court.

Forest Planning—Case Studies

The five lessons outlined above have their origins in many parts of the country and National Forest System. My statement addresses the successes and failures of the process on the Green Mountain National Forest of Vermont, the Deerlodge National Forest in Montana, and finally the forests of the Pacific Northwest. In the Green Mountain National Forest, we see how an open, unbiased, forest planning process can produce a commendable final plan. The Deerlodge National Forest provides an example of a planning process initially flawed, but improved as a result of negotiations initiated to resolve pending appeals. Finally, in the Pacific Northwest, where the planning process has been badly skewed by politics and agency biases, the quality control functions of judicial review and administrative appeals are threatened by recent legislation. Taken collectively, these examples illustrate the flaws and potential of the current planning process.

Green Mountain National Forest in Vermont

With a total land area of about 300,000 acres, the Green Mountain National Forest (GMNF) in Vermont, is one of the Nation's smallest. Since its establishment in 1932, the Green Mountain has been producing moderate amounts of timber, providing homes for a variety of wildlife species, and welcoming an increasing influx of recreationists from Vermont and other States.

The Green Mountain is also the site of one of the most successful forest planning processes to date. The Green Mountain forest plan represents a unique balancing of the capabilities of the forest and the values and needs of its constituents. This unique balance was achieved as the result of a long history of public involvement in the forest planning process.

The success of the Green Mountain plan is based in part on a long-standing tradition of cooperation between Forest Service personnel and the local/State community. This tradition reflects the "town meeting" heritage of the region and the integration of the national forest into the community by virtue of an intermingled land ownership pattern. Forest Supervisors like Steve Harper, and the Regional Forester, Butch Marita, have long maintained open, candid relationships with all constituencies, even during heated debates regarding the establishment and enlargement of Vermont wilderness areas.

Over the years, the Forest Service in Vermont has earned the trust of the people by respecting their unique regional values and local institutions. Thus, planning under NFMA was launched on a runway paved by a long tradition of open, effective public participation. Although this public participation sometimes surfaced criticisms of Forest Service decisions and programs, local agency personnel had the trust of the community.

On the Green Mountain, NFMA planning was carefully and thoughtfully initiated with a major conference involving a wide range of interests in an effort to craft a future vision for the region as a whole. The "genius" of this approach was that it established wide support for a "Vermont vision of the future" before the planning process for the GMNF ever really started.

Next, the GMNF plan was developed with a conscious effort to relate to this overall "Vermont vision." Forest planners constantly considered ways in which GMNF management could be complimentary and supportive of regional values, while balanced with Forest Service national and regional targets and guidelines.

During the development of the actual plan, the GMNF staff encouraged productive public participation by meeting with every interested constituency of the forest. These meetings first took place in a "one-on-one" format with the interest groups and the agency, in order to identify and address the unique concerns of the particular interest involved. Later, meetings included combinations of similar groups, but were seldom "loaded" for controversy. By carefully seeking out these various concerns and viewpoints the agency crafted a forest plan that truly reflected a respect for the land and its people.

Deerlodge National Forest in Montana

The Deerlodge National Forest in southwestern Montana illustrates that a flawed planning process can be improved, if there is adequate impetus for the agency to change.

A composite of mountain meadows and lightly forested hillsides, the Deerlodge provides habitat for significant numbers of elk, deer, and bighorn sheep. While the forest does not produce a large volume of timber relative to other western forests, it does help support a local timber industry which has great interest in its future management.

Initially, the planning process on the Deerlodge followed a somewhat typical pattern. The Forest Service made an effort to inform the public and solicit input, but failed to discern or address the significant concerns of both commodity and noncommodity interests adequately. As a result, the final forest plan was appealed by both the environmental community including the National Wildlife Federation—and the timber industry.

Faced with the prospect of administrative appeals and potential legal challenges, Deerlodge officials decided to try an experiment. The agency hoped that if they brought the timber industry and environmental groups to the table at the same time, a consensus might be reached. Although the negotiations took several months, and tempers sometimes flared, an agreement was indeed achieved. From an environmental perspective, the agreement allowed the protection of important wildlife habitat, and established guidelines for old growth forest management. The timber industry also benefited, as specific important timber sales were allowed to proceed and the agency agreed to undertake an accelerated review of overall Deerlodge timber sales targets.

In addition to providing a compromise solution to the issues at hand, this process of consensus building was actually more efficient—both in terms of time and money—than a formal administrative appeal or legal challenge. The ultimate result was an agreement which allowed the forest plan to be implemented, and the establishment of a process for resolving controversy. As one agency official noted, "In the future when conflicts do arise . . . we've set the pattern for solving the problem."

Ancient Forests of the Pacific Northwest

In the rapidly disappearing ancient forests of the Pacific Northwest, the northern spotted owl symbolizes the controversy surrounding the future of the region's forests. As with any symbol, the spotted owl represents a larger issue. The owl, which nests almost entirely in the treetop cavities and broken snags of old growth forests, is dependent on the protection of these forest ecosystems for its survival. The owl has thus become the focal point for heated debates regarding the future of these magnificent old growth forests.

Unfortunately, the attention focused on the owl has led to the characterization of the ancient forests issue as an "owls v. timber industry jobs" debate. To be sure, the production of timber from the forests of Oregon and Washington is of vital importance to the forest industry in the region. Nevertheless, the oversimplification of this issue obscures a very basic truth: the long-term environmental and economic health of the region are inextricably linked, one cannot prosper at the expense of the other. Forest management that threatens wildlife and fisheries resources, that diminishes biological diversity, and reduces the long-term productivity of the forest also undermines the region's economic future. This future is dependent not only on the commodity values, but also on the quality of life values accompanying a healthy and beautiful environment.

Currently, the region is being driven along an unsustainable course of timber resource extraction. The wood products industry has overcut its own lands in the region. Old growth resources on national forest and Bureau of Land Management lands are also being logged at disturbingly high rates, with a shocking disregard for the long-term environmental and economic consequences. Overall, timber sale and logging levels on both National Forest System and private lands in the Pacific Northwest exceed replacement rates.

Congressional mandates and agency biases have combined to drive the overcutting of national forests in the Pacific Northwest. Congressionally set sales levels have exceeded sustainable levels. In August, retired Regional Forester Jim Torrence has publicly admitted that the agency is overcutting the region's forests. He reports that even the reduced timber sale volumes currently called for in the draft plans cannot be continued without environmental degradation.

Although the preferred alternatives of the region's draft forest plans target reduced regional sale levels, these levels are still too high. These sale levels are "justified" by overly optimistic assumptions of future forest growth and prescribe logging at the expense of other forest resources, including spotted owl and other wildlife habitat. Considerable controversy has surrounded the drafting of these plans, as it has become apparent that they will reduce sale levels. The release of these plans

has been delayed by congressional pressure, and timber industry appeals. Nevertheless, at least five of the region's draft forest plans proposed timber sales at a level that exceeds sustainable rates. These "departures" threaten long-term forest productivity and accelerate the depletion of ancient forests.

While it has overestimated appropriate sale levels during the planning process, the agency has underestimated the impact of these sale volumes on ancient forests. Long lacking an aggressive program to identify and protect ancient forests, the agency has relied on estimates of the remaining acreage of old growth forests that are greatly exaggerated. On six national forests recently surveyed by the Wilderness Society, the society found only 45 percent of the acreage of ancient forests claimed by the agency. The agency's overestimate of remaining ancient forest acreage masks the significant impact of current levels of old growth logging in the region.

Environmentalists have pursued a variety of avenues to reduce the logging of ancient forests. By participating in the forest planning process and requesting administrative and judicial review of agency decisions, conservationists have sought balanced management for the region's forests.

In 1984, the National Wildlife Federation and three other conservation groups appealed the Forest Service's Regional Guide because of its lack of provisions for management of old growth forests and inadequate attention to wildlife—particularly the spotted owl. Conservationists argued that the regional guidelines would not ensure the owls long-term survival. In March 1985, the Deputy Assistant Secretary of Agriculture directed the Forest Service to prepare a supplemental environmental impact statement (SEIS) for the Regional Guide to provide more complete consideration of spotted owls and old growth forests.

After several years of analysis and maneuvering, and the release of a highly controversial draft SEIS in 1986, the agency finally released the final SEIS and Record of Decision (ROD) in December 1988. The SEIS and ROD will guide spotted owl habitat management in Oregon and Washington for the next 5 years, and was designed primarily to minimize the impact of protecting spotted owl habitat on timber sale levels. Although successful in protecting timber sale levels, the plan failed to adequately address the biological needs of the owl. As a means of maintaining sales levels, the ROD left 85 percent of the owl's old growth habitat available for logging at the historic rate of 40,000 acres/year. Furthermore, the limited blocks of habitat "protected" by the plan are simply too small and too scattered to effectively assure the owl's long-term survival. Because of these and other concerns, environmentalists appealed the Record of Decision accompanying the SEIS to the Assistant Secretary of Agriculture, who declined to review the agency's decisions.

The groups subsequently challenged the agency in court in February 1989. In March, the court enjoined, pending a trial on the merits, approximately 140 timber sales containing spotted owl habitat that the Forest Service had intended to offer between March and June. In issuing the preliminary injunction, the court held that there was a substantial likelihood that the Forest Service's new owl management plan violated the minimum viability standards used to implement the requirements of NFMA, as well as requirements of the National Environmental Policy Act.

The Forest Service's approach to the development of the SEIS is characteristic of the agency's bias toward the production of timber and other commodities. Protection of noncommodity values—such as the spotted owl or other wildlife resource—is achieved only to the extent that it does not interfere with the agency's primary agenda—the sale of timber. This basic bias has prevented the Forest Service from taking a leadership role on the overall issue of sustainable forest management and old growth protection. Instead of proactively working to craft an SEIS that truly addressed the biological needs of old growth forests and their inhabitants, the agency devised a document that first guaranteed timber sale levels, and then pretended to provide a protective strategy for the owl. Faced with the Forest Service's apparent disregard for the overall forest environment and disrespect for the Nation's environmental legislation, the environmental community has had little choice but to seek protection for forest resources through administrative appeals, and ultimately judicial challenges of agency actions.

While the environmental community has sought to reduce logging and provide adequate protection for ancient forests on public lands, the timber industry has actively pursued the expansion of current sale levels. The industry, which has brought both appeals and political pressure to bear on the Forest Service, has worked to delay the release of new forest plans, fearing that these plans will reduce timber sales. In 1987, for example, the industry filed an administrative appeal of internal guidelines (the "minimum management requirements" or "MMR's") for how individual forests would address certain issues in their forthcoming plans. The Forest Service determined that there was no decision that could be challenged concerning

these MMP's, but nonetheless the agency delayed forest plans for many months while "addressing" the industry's concerns raised in the appeal.

In spite of seemingly irreconcilable views of the future of forest management in the Pacific Northwest, one thing is apparent—change is inevitably coming to the region's forest industry. Excess mill capacity is being reduced and workers are losing their jobs as modernized mills with automated saws and production lines are increasing production capacity. Although the wood products industry will remain an important basic industry, it will require fewer workers to get the job done. Record exports of logs to Japan and other countries also mean the unjustifiable loss of domestic jobs. The Forest Service estimates that milling finished lumber provides at least three times as much employment as exporting logs.

Even without additional environmental protection, the remaining volume of old growth timber—public and private—is simply too small to sustain the timber industry at current logging rates. The "mining" of ancient forests will not provide either the long-term jobs and economic prosperity or the quality of life that can continue to attract new business to the region.

If change is inevitable, the question facing the Government, industry, and environmental community is, "How will we meet the challenges and opportunities which accompany these impending changes?"

The public comments of former Regional Forester Jim Torrence and the concerns voiced by many Forest Supervisors and ranger district personnel underscore our conviction that the longstanding dominance of timber management in the Pacific Northwest must come to an end. Sound management of all forest resources could be achieved through the forest planning process. However, the current process in the Pacific Northwest is seriously compromised by agency biases and environmentally damaging congressional mandates. As a result of this pressure, forest plans are not being developed with realistic attention to the capability of the forests, adequate attention to current environmental standards, or the needs of the American people.

Unless these biasing influences are reduced, forest management in the region will continue down its present short-sighted course. The FY 1990 Interior appropriations bill sets a reduced—but still unsustainably high—timber sale level for the region. Meanwhile, the bill provides only minimal protection for ancient forests and spotted owl habitat. The appropriations measure fails to address many of the long-term issues surrounding sustainable forest management, while threatening the public's and the court's ability to provide adequate review of agency decisions. Although the final bill is a great improvement from earlier versions, it still does not represent a balanced long-term management approach for the region's forests.

The forest planning process in the Pacific Northwest must be allowed to move forward and address the critical issues of long-term sustainable forest management, including protection of ancient forest ecosystems. These plans must be based on the best scientific understanding of the ecology of the region's forests. Congressional influences which have undermined the incorporation of these ecological principles or provided disincentives for the completion of forest plans must be removed, and the agency must proceed with a good faith effort to complete final plans. If the issuance of final forest plans continues to be delayed, the controversies surrounding forest management in the region will only escalate, and the credibility of the agency and the forest planning process will further deteriorate.

CONCLUSION

If we are to protect the long-term environmental and economic health of the Pacific Northwest, we must pursue a policy of sustainable forest management in the region. The crafting of this policy will depend—in large part—on the willingness and ability of the Forest Service to overcome its traditional biases and take a leadership role in seeking new ways to manage the region's forests and to utilize the full potential of the public involvement process. In order to have this meaningful public input, the agency must provide accurate information and analysis to portray the status of ancient forest resources and the trade-offs associated with various management alternatives for these resources.

The best intentions of the agency may have little effect, however, unless the congressional influences driving logging of ancient forests are reduced. In the face of these threats to our ancient forests, the role of public oversight through the administrative appeals process and judicial review takes on added importance. Sustainable management of the region's forests will not result from the silencing of citizen's legal protests and the hamstringing of the Federal court system.

[Responses of Jay Hair to Senator Gorton's questions.]

RESPONSES TO QUESTIONS SUBMITTED BY SENATOR GORTON FOR OCTOBER 25, 1989 HEARING ON THE NATIONAL FOREST MANAGEMENT ACT

Question 1. Should the views of people in Forest Service timber-dependent communities be given any greater weight in timber management decisions than the views of those in urban areas of the same State or other parts of the country?

Question 2. How does one weigh the human, career, and community values of those who live and work in Forest Service timber-dependent communities against wildlife and forest ecosystem values?

Answers. I will address both of these questions together. In planning for the management of individual national forests, great care must be taken to consider the many appropriate demands on national forest resources. The protection of the interests of local communities is therefore a very important factor. Nevertheless, national forests do not belong exclusively to these local communities, and must therefore also be managed to meet needs beyond the immediate, narrow economic interests of those who make their living or profit economically from harvesting timber on nearby national forests.

We therefore, do not believe that the immediate, short-term demands of the timber industry outweigh the long-term ecological integrity and productivity of our national forests. In the Pacific Northwest, the region's environmental and economic health is ultimately linked. Management that undercuts the protection of forest ecosystems—by, for example, rapidly liquidating old growth forests—will, in the long run, not maintain the forest ecosystem in a productive state. Simply put, management that threatens forest ecosystems in the long run, will also jeopardize the long-term health of the timber industry.

This is clearly the case regarding the management of old growth forests. Currently, these ancient forests are being sold and logged at unsustainably high rates—on both public and private lands. This logging is undermining the long-term productivity of these forest ecosystems. This effect is becoming evident not only because populations of old growth dependent forest wildlife such as the spotted owl are declining, but also because—with or without and additional environmental protection—harvest levels will drop as large, profitable, old growth trees are eliminated.

The timber industry and timber dependent communities of the region are therefore facing an inevitable transition, for which we need to begin planning.

Prepared Statement of James Geisinger, President, Northwest Forestry Association, Portland, OR

I. Introduction

Good afternoon. My name is Jim Geisinger. I am president of the Northwest Forestry Association (NFA), headquartered in Portland, Oregon. NFA is a regional trade association representing the interests of 75 forest landowners and forest products manufacturers in Oregon and Washington. Our members are dependent on publicly owned timber produced by the Forest Service and the Bureau of Land Management as a primary source of material for their mills. I appreciate the opportunity to testify before the subcommittees.

II. The Forest Plans in the Forest Service's West Coast Regions (Regions 5 and 6) Have Been Much Harder to Develop and Are Not as Far Along as the Intermountain and Eastern Regions

Unlike the other regions discussed by my colleagues on this panel, the plans for national forests in Oregon, Washington, and California have taken longer to develop. Consequently, many of them are not yet final, and none of them are final in any real sense. Of the two regions, the Pacific Northwest region has engendered the greatest degree of controversy as the issues of sustainable harvest levels, old growth preservation, and spotted owl protection have dominated the debate over the last 2 years of the forest planning process. I would like to discuss each of these issues in turn. Most of my remarks will center on region 6, although the forest plans for the four northern California national forests exhibit similar conflicts with problems that are, in many respects, synonymous with the controversy associated with region 6.

In our region, as the conflict over forest planning has unfolded, it has become apparent that many issues and surrogate issues have been raised to confuse and delay

the completion of the forest plans. The process has, therefore, taken considerably longer to complete.

Notwithstanding these conflicts, the Forest Service's preferred timber sales level in the region 6 draft plans represents a substantial reduction from the potential yield of the existing plans. Because the preferred sale quantity in the still-uncompleted plans is significantly lower than the level identified in the existing plans, the delay in final plan development, and the continuation of timber harvest levels under the existing plans have given rise to charges that the national forests in the Pacific Northwest are being overcut. It is similarly alleged that the Forest Service is currently managing under existing plans which cannot provide for sustained timber harvest for the long term. Both of these allegations are incorrect, and I would like to address them in my testimony.

A. PRESENT HARVEST LEVELS ON THE NATIONAL FORESTS IN THE PACIFIC NORTHWEST ARE SUSTAINABLE OVER TIME

The chart attached to my testimony, using data publicly available from the Forest Service, compares timber sales over the last 10 years with the measures of timber production potential in both the old and the new forest plans. The chart graphically demonstrates that the charges of overharvesting the national forests are unfounded. However, before turning to the figures in the chart some basic terms need to be clarified.

The old plans describe timber producing potential for the national forests with the term I used earlier "potential yield." This is the maximum amount of timber that could be produced on a sustained yield basis, utilizing intensive forest management practices, from lands allocated to timber production purposes under existing plans in effect today. Under these plans less than 50 percent of the national forest land in Oregon and Washington is considered available for timber production. Over one-half of the national forest land in these two States has already been either legislatively or administratively withdrawn to support uses that preclude timber production.

By contrast, the new plans describe the timber producing level of the national forests with a term I also used earlier "Allowable Sale Quantity" (ASQ). This is defined in the planning regulations as the "quantity of timber that may be sold from the area of suitable land covered by the forest plan for a time period specified by the plan [10 years]. This quantity is usually expressed on an annual basis as the 'average annual allowable sale quantity.'"

While these terms appear similar, the Forest Service distinguishes them by noting that the potential yield represented a biological maximum within the multiple use constraints of the plan which did not take economic factors or market conditions into account. Unlike the potential yield, the ASQ is influenced by economic considerations and, furthermore, is presumably based on projected demand. The agency has further noted that, while the potential yield represented a level that could be hypothetically produced, the ASQ represents a level of timber output that is actually planned to be offered and sold. The two terms are similar, however, in that they both serve as a ceiling above which the Forest Service will not sell timber.

The ASQ is further constrained (that is, by comparison to the potential yield) by the Forest Service's increasingly conservative interpretations of the need to protect and enhance the management of other resource uses. By comparison, each new plan also contains a calculation of the forest's "long-term sustained yield capacity" (LTSYC). The Forest Service defines the long-term sustained yield capacity as "the highest level of timber production that can be sustained under the management intensities and multiple use objectives established in the [new] forest plan." Compared to the ASQ, the long-term sustained yield capacity is calculated to indicate the long-term productivity of the forest as established in the new forest plans. Therefore, the differences in both annual harvest levels and long-term timber potential between the old plans and the new plans are not a function of sustainability of harvest over time. Rather, the difference is primarily attributable to two factors:

First, the new plans attempt to account for economic factors such as timber prices and market demand. Remember that this part of the analysis—as Mr. Riley indicated—was done in the early 1980's, a period of deep recession. Mr. Riley also noted that the Chief of the Forest Service directed that, if assumptions regarding timber demand or any other factors require change, it would be necessary to amend the new forest plans. It is instructive to note that even with the considerable delays in plan development due to environmental group appeals and litigation, the Forest Service has not revisited the supply and demand question since the depths of the early 1980's recession.

Second, the new plans impose much more conservative—and in our view, often unnecessary—restrictions designed by the Forest Service to enhance the management of other resources.

One additional distinction is needed. That is, neither the current plans nor the new plans include volumes of nonmerchantable wood in calculating the respective measures of long-term timber productivity. These nonmerchantable or cull products such as firewood are, nonetheless, sold by the agency. Thus, they are included in the Forest Service's report of annual timber sales volume. Moreover, this volume is reported to Congress since it costs the Forest Service money to prepare and supervise the sale and removal of these products.

The figures provided in the attached chart have been adjusted to include these materials using Forest Service conversion figures. This will allow "an apples to apples" comparison of reported timber sales volumes over the last 10 years with the potential yield of the current plans and the ASQ and the long-term sustained yield capacity of the new plans.

The attached chart then compares:

(1) Forest Service timber sales levels for FY 1978–FY 1989;
(2) The average annual potential yield for the current plans;
(3) The average annual Allowable Sale Quantity for the new plans; and
(4) The long-term sustained yield capacity of the new plans.

The results of this comparison are most striking—our Pacific Northwest national forests are not being utilized to the sustainable level during the current period of record timber demand. Charges of overharvesting these forests are simply incorrect.

B. THE RESALE OF TIMBER RETURNED TO THE GOVERNMENT UNDER THE TERMS OF THE CONTRACT BUY OUT PROVIDE AN OPPORTUNITY TO INCREASE HARVEST LEVELS IN REGION 6

A careful review of the data in the attached chart shows that a substantial amount of timber in region 6 was sold twice but harvested only once under the terms of the Federal Timber Contract Payment Modification Act of 1984. Basically, this timber was purchased at high prices from the Government in the 1970's. It could not be harvested under the contract terms due to the recession in the early 1980's and was sold back to the Government under the provisions of the act. At the insistence of the environmental community, the Forest Service was directed by statute to give this returned timber priority in its timber sales program, rather than build roads to access new sales.

Consequently, this volume is reported twice in the Forest Service budget reports of the timber sales program because it was sold twice. The agency required authorization and funding to carry out the sale each time. However, timber was deleted from the timber inventory (i.e., counted as harvested) used to determine the long-term sales levels on the forests the *first* time it was sold. It cannot be deleted from this inventory twice.

Yet, this is exactly what critics, who suggest that the Pacific Northwest national forests have been overharvested, are doing in formulating their charges of overcutting. Subtracting the resales from the sales program for the fiscal years involved on the attached chart shows that we have been significantly underharvesting the national forests over the last 4 years in particular. This is true irrespective of whether the basis of comparison is the current or the new plans. Even if we project the new plans backward in time, we have been far short of the average annual Allowable Sale Quantity indicated by these draft plans. In sum, we are not overharvesting the national forests in region 6.

C. ENVIRONMENTAL GROUP APPEALS AND LITIGATION HAVE MADE THE EXTENDED REGION 6 FOREST PLANNING PROCESS AN EXERCISE IN SHIFTING AND EXPANDING DEMANDS

The conflict over the development of final plans continues to grow in region 6. The single largest cause of delay in issuing final plans has been the region's need to prepare a region-wide Supplemental Environmental Impact Statement (SEIS) on the plans' treatment of the northern spotted owl. Due to the requirements of the National Environmental Policy Act of 1969 (NEPA), no draft forest plan could be issued until a draft SEIS was completed. Similarly, no final plan could be issued prior to a final SEIS. The SEIS was required, of course, by a National Wildlife Federation appeal of the regional planning guide in the mid-1980's.

Subsequently, upon completion of the final SEIS in 1988, a consortium of environmental groups challenged the agency's decisions even though it further reduced timber harvests for the benefit of the spotted owl. Without attempting to retrace the complicated development of this litigation, I believe it is fair to suggest that it is

now virtually impossible for the agency to complete the final SEIS and, therefore, the final forest plans without a resolution to the spotted owl issue. This in turn, does not appear to be achievable outside of the ambit of the complicated and time-consuming Endangered Species Act listing and critical habitat designation processes.

As time has passed and the conflict over the outcome of the final forest plans has increased, the environmental community has similarly increased its call for further reductions in the timber producing potential of the region 6 national forests. For example, environmental groups would not endorse the aggregate preferred sales quantity in the draft plans even though it represented a significant reduction from the existing plans.

Instead, the environmental community demanded additional harvest reductions, testifying before the House Agriculture Committee in the spring of 1987 that the most that the Pacific Northwest national forests could produce on a sustainable basis is about 3.9 billion board feet of volume per year. This past year, the Appropriations Committee approved an FY 1990 timber sale program for the region of 3.85 billion board feet of volume. However, environmental group representatives objected to even this level as still too high.

We believe that the situation will get worse, not better, as the spotted owl controversy continues, and other new issues emerge. For example, environmental group appeals and litigation are rapidly spreading to the forests in the region which do not contain spotted owls.

Even more troubling, the question of old growth preservation now exists as a completely separate issue with environmental groups demanding a different and more expansive solution than protection for the spotted owl. The Forest Service's release last week of a so-called "old growth policy" is indicative of the concern caused by a simple continuation of the administrative debate over the development of the forest plans. The policy was issued by the Forest Service without any clear discussion of how it would fit into the framework of the current forest planning process. In fact, it deviates not only from the draft plans, but from the preponderance of public commentary on those plans. The majority of comments on the draft plans expressed a commitment among the citizens of the Pacific Northwest to maintain timber production on the region's national forests.

The Agency's issuance of the "old-growth policy" is little more than an extralegal attempt (apparently unsuccessful, given the environmental community's reaction to date) to defuse the intractable conflict that continues to confound the development of final forest plans. In this sense it is essentially the same as the "interim policies" which Mr. Riley described except, in this case, the agency has not even achieved final forest plans before they are forced to operate outside of the framework of the planning process to try to duck public controversy.

III. The Old Growth Issue Is a Good Example of How the Terms of the Debate Have Shifted Since Forest Planning Began, and How the Use of Surrogate Issues Confuses the Original Issues and Confounds the Search for a Solution

I would like to briefly provide the subcommittees with an overall prospective on the "old growth issue." Generally, the charges being levied by environmental groups involve:

(1) An alleged threat to the last of the "old growth" or so-called "ancient forests;" and

(2) An immediate threat to the well-being of the northern spotted owl recently proposed for listing as a threatened species under the Endangered Species Act of 1973.

Now, the environmental community generally concedes that the northern spotted owl is really a surrogate for the protection of old growth forests. But the issue does not stop there. The concern over the well-being of old growth forests is, itself, a surrogate for a basic land allocation dispute over the use of national forest lands.

There is nothing magic or novel in the current debate over "old growth" that distinguishes this land allocation discussion from the ones that proceeded it. We are again arguing whether or not certain areas of the national forest system should be put to some productive use. We are reopening the question of whether additional areas of the national forest system and public lands should be protected from any such use.

Because of the fact that we are debating surrogates-within-surrogates, there is substantial confusion over:

(1) Definitions;

(2) Available facts;
(3) The nature of the status quo;
(4) The immediacy of any problems that might exist; and
(5) The adequacy of agency management efforts to deal with those problems.

A. CURRENT STATUS OF THE OLD GROWTH RESOURCE

Under the definitions used in the forest planning process, the Forest Service states that there are 6.2 million acres of old growth in our national forests in the Northwest. National parks in Washington and Oregon contain 943,000 acres of old growth. The Bureau of Land Management estimates that it has 406,000 acres of old growth trees. All told, there are 7.5 million acres of old growth on Federal lands in Oregon and Washington—the two States which have generated almost all of the controversy on this issue. Of these 7.5 million acres, 4.2 are preserved and unavailable to harvest.

To use one of the favorite environmental group bases of comparison of the recent past, this is enough old growth to circle the globe 112 times with a strip of old growth the average width of a Forest Service road. In our view, it is clear that there is no shortage of old growth forests, nor any immediate threat of the extirpation of the old growth resource.

Of course, much of the recent controversy involves environmental group claims that the Forest Service has overestimated the acres of old growth in the Pacific Northwest. They question whether or not the Forest Service has 6.2 million acres of virgin forest covered with large, old trees greater than 200 years in age.

Clearly, disputes over definitional questions will change acreage estimates. There are valid, narrower definitions of old growth which include only lands with specific sizes, species, and stand structures. The Forest Service has recently, in fact, developed a new "ecologically based" definition which is more restrictive from an acreage standpoint, and the Wilderness Society has used a definition that is even more limited. Therefore, lands exist that, while they do not meet these specific, narrower definitions, do contain vast acreages of very old trees. However, there are no data demonstrating that the levels meeting the narrower definition are disproportionately unprotected.

Moreover, one might assume that the clarification of this point could lead us to an area of agreement. That is, preservationists should not object to harvesting at least those stands that do not meet their narrow definitions. However, before I infuse you with misplaced enthusiasm about a potential solution in this area, you should know that recent court filings by environmental groups in the Northwest suggest that this is not, in fact, the case. They appear to be much more catholic in their definition of what *needs to be preserved* than they are in defining what the Forest Service has, in fact, available or *already preserved.*

Indeed, the Senate version of the FY 1990 Interior appropriations bill used the Wilderness Society's definition in restricting any fragmentation of "old growth" stands. The society and other environmental groups objected, and the final bill uses one of broader Forest Service definitions to designate those stands which should not be cut. Apparently, in their zeal, environmental groups wish to preserve more old growth than actually exists. Of course, last year we were forced to testify before you, in response to blanket environmental group timber sale appeals, that some groups appealed timber sales that did not exist. Perhaps there is a correlation.

More seriously, the old growth numbers game is played thusly by these groups. Is a 1,000 acre uniform stand of healthy, 300-year-old Douglas-fir trees 4 feet in diameter considered "old growth?" From a forest management standpoint, it clearly is. The previous Forest Service inventory agrees and included such stands in the 6.2 million acres.

To an ecologist, the answer would be maybe, depending upon what ecological values he or she is inventorying and whether or not a particular stand contains those values. To a preservationist, the answer would be no. The narrower definition of old growth might eliminate the stand for lack of adequate snags, woody material on the ground, or multilayered or multispecies composition. Such definitions when used in this fashion reduce the claimed acres of old growth, but not the total acres of old trees. The trees still exist and they are still big and old. They are simply not counted in the narrower definition used by environmental groups to postulate that we are rapidly eliminating the last, remaining stands of old growth.

B. WE ARE NOT, IN FACT, ELIMINATING THE LAST OF THE OLD GROWTH

Just as there is a tremendous acreage of preserved old growth, we are decades away from harvesting the last acre of old growth that is *not* permanently set aside.

The new forest plans, incorporating sophisticated computer models, prescribe conservative harvest schedules for the old growth forest outside—and I again emphasize we are speaking outside of—the preserved areas. Information from the draft forest plans projects that old growth trees can continue to be harvested outside of the preserved areas for at least 50 years. The nondeclining yield philosophy that guides the management of Federal forests ensures the maintenance of current timber sale levels in perpetuity and protects the forest from being overcut.

That, in our view, is why the timber industry should not (and, indeed, cannot) stop harvesting old growth to move to second growth forests immediately. We are managing old growth areas in a fashion that involves a nondeclining yield, even flow of forest products materials. At the same time that we are harvesting some old growth, we are—as I will explain shortly—adding to the old growth resource in other preserved areas.

Most importantly, however, there is insufficient volume of second growth trees of harvestable size at the present time to sustain any semblance of our present timber dependent economies. Private timberlands in Oregon and Washington have hundreds of thousands of acres of young, vigorously growing stands of second growth trees. However, the bulk of these forests will not be physically mature for 20–30 years. The Forest Service has not been harvesting its lands long enough to have a substantial volume of physically mature second growth. Therefore, if the Northwest is to maintain anything near its current economic viability, old growth must make up the majority of the annual harvest from our Federal lands in the nondeclining fashion indicated by the Forest Service for the next 20–30 years.

C. OLD GROWTH FORESTS ARE A STAGE IN A DYNAMIC PROCESS

As it has become more clear that we are involved, in part, in a definitional debate, environmental groups have focused their emphasis on a particular type of old growth. They now claim that the last of the ancient forest, the west-side, middle elevation Douglas-fir forest is about to be harvested. Douglas-fir forests are the specific target of attention. "Protect the ancient giants!" is the frequent cry heard on television, in the newspapers, and in the courtroom.

The Douglas-fir forests in the Northwest are the ecological consequence of centuries of fires periodically burning forests in the region. These fires created a favorable climate for the establishment of Douglas-fir forests. Douglas-fir favors the full sunlight available in cleared or burned areas. At any particular time in the ecological history of the Northwest, there existed a wide array of different ages of forests. Contrary to the claims of the preservationists, very old Douglas-fir forests have not always dominated our landscape in Washington and Oregon.

In fact, much of the forest land in the coastal mountains in southwestern Washington and Oregon is 120–150 years old and the result of natural fires as recorded in local history before there was any substantial settlement in our region. These lands of 120–150-year-old trees have also been enjoined and appealed by the preservationists.

Ironically, the long-term preservation of old growth Douglas-fir will ensure its demise. Old growth Douglas-fir forests will eventually transform into a climax successional-stage forest. This future forest will have shade tolerant species such as hemlock and silver fir in the place of Douglas-fir. Dr. Jerry Franklin, a well-known old growth forest ecologist has concluded through his research that: "characteristics or functions of old growth stands cannot be guaranteed in perpetuity by simply preserving existing old growth tracts . . . long-term management strategies must include plans to recreate stands."

Given the dynamism of this process, it is also important to recognize that there are many areas that have been set aside for preservation purposes in the Pacific Northwest that did not then contain large diameter, old growth forests. These sites are by-and-large uninventoried. However, we know that as they grow into older age classes, they will begin to exhibit the ecological characteristics of old growth tracts, and thus add to our old growth resource.

Our rough calculations indicate that there are about 2.2 million acres of young growth timber in the national parks and the wilderness areas in Oregon and Washington which have been permanently restricted from harvest. These forests range from young seedlings which will become established this summer in burned-over areas to up to 199-year-old trees. A century from now, well over 640,000 acres of this timber will be over 200 years old. Two centuries from now we could easily have over 1.4 million acres of additional old growth timber on these reserved areas if we simply do an adequate job of fire protection. If we spread this addition relatively uniformly over the periods of time I just mentioned, we will be adding an acre per hour of forest land to the old growth resource throughout the next 250 years.

The addition to the old growth resource that we are making in our preserved areas must clearly be inventoried and quantified before we continue this round of the land allocation debate. There is no reason to pursue this issue as a one way street which only works to take more land out of productive timber management.

IV. Congressional Action Will Be a Necessary Predicate Toward Completion of the Region 6 and Northern California Forest Plans

As a consequence of the conflict attendant to the development of the plans, we are very pessimistic that the agency can, on its own motion, complete the planning process in region 6 or on the northern California national forests where the spotted owl/old growth conflict is raging. Congress acknowledged this difficulty by providing a 1-year interim resolution to this problem in the FY 1990 appropriations bill. During the pendency of this measure, we believe that Congress will have to intervene and complete the forest planning process because the controversy has now extended outside the scope of the Forest Service's ability to achieve an equitable resolution.

In conclusion, we believe that it is time for Congress to act. These hearings are a good start toward a needed legislative solution. First, Congress should provide some guidance on the next step of forest planning—forest plan implementation. This guidance should allow completed plans to be used as a standard of review or the basis for narrowing the scope of future conflicts. We would be happy to work with the subcommittees further in developing more specific proposals in this area.

As one good example, Senator Bob Packwood has introduced the Forest Management review act to help in the implementation of forest plans. We believe the bill has merit and encourage you to consider it. Perhaps the most attractive part of the legislation is that once a plan is final, site-specific project level appeals could only be argued on the issue of whether or not the activity is consistent with the prescription contained in the plan. This provision, alone, would allow a fair review of project level appeals without the myriad of obstructive delaying tactics now at the disposal of those opposed to timber production on national forests.

We also appreciate that there is a need to evaluate and address new issues as they arise. Forest plans cannot and should not be frozen in time. Such issues should be considered as forest plans are amended or revised. Congress can make a useful contribution at this point in the process by providing some standards for dealing with these newly developing issues in the forest plan amendment and revision processes. One standard that we believe should be included in any such legislation is a standard governing the Forest Service's consideration of commodity production and community stability on the national forests.

Finally, Congress will need to either:

(1) Legislate the completion of the region 6 and northern California plans; or

(2) Extend the interim solution provided by the FY 1990 appropriations bill at least through FY 1991 and perhaps indefinitely.

We prefer the former option of completing the region 6 forest plans by:

(1) Providing congressional direction on some basic resource allocation decisions; and

(2) Directing the agency to revisit discretionary restrictions on timber production made earlier in the planning process to offset the community impact of any additional congressional set-asides.

As indicated, we would be happy to work with the subcommittees on these issues. I appreciate the opportunity to testify and would be happy to respond to any questions.

[Chart and letter of Mr. Geisinger follow:]

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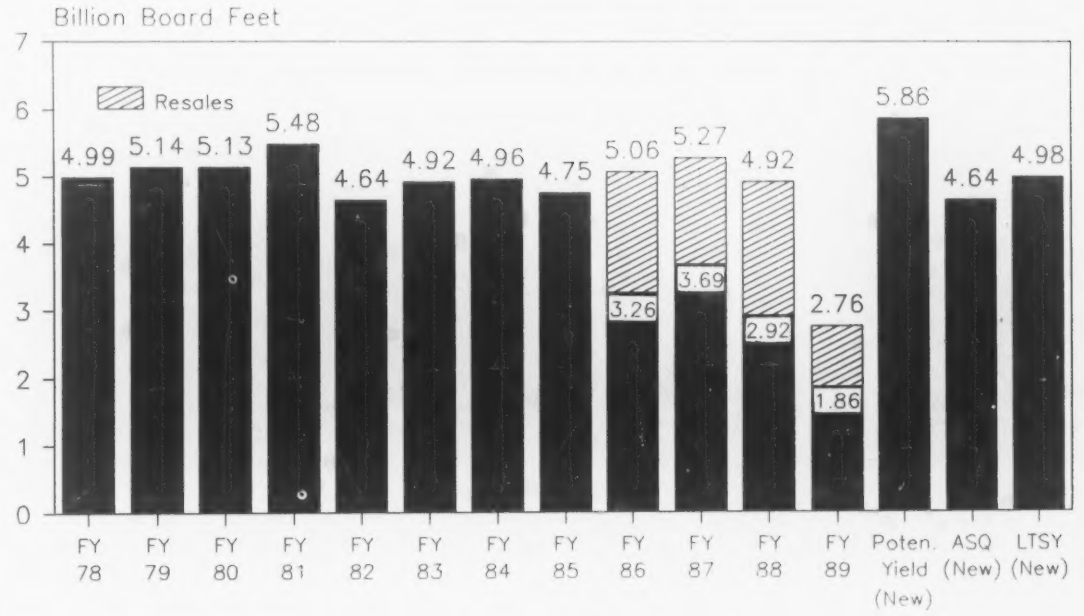
Chart 1

Region 6 Timber Sales Program and Plans



Source: U.S. Forest Service

NORTHWEST FORESTRY ASSOCIATION,
Portland, OR, November 10, 1989.

The Honorable PATRICK LEAHY,
U.S. Senate, Committee on Agriculture, Nutrition, and Forestry, Washington, DC.

DEAR SENATOR LEAHY: I appreciate the opportunity to respond to questions raised at your October 24 hearing and to those posed in your recent letter to me. It is my hope that the following information will supplement the testimony I delivered at the hearing and clarify some of our concerns relative to national forest planning.

Question 1. In response to my question, you briefly stated that you would support some of the Leahy-Hatfield colloquy principles but not others. Please expand on your answer by indicating your view on each principle.

As a reminder, these principles included: (1) Forest resources must only be used on a sustainable basis; (2) Judicial review should only be limited when all parties agree; (3) It appears that disputes should be resolved by neutral third parties; (4) Solutions should be developed through authorizing committees.

Answer. Our national forests should be managed on a sustainable basis. Under existing resource plans in region 6, the 19 forests in Washington and Oregon can produce 5.1 billion board feet per year on a sustainable schedule.

In past years, however, region 6 has been appropriated a sale level of approximately 4.4 billion feet, well below the sustainable level. Also, during the past 3 years, roughly half the annual sale program was comprised of sales that had been returned to the Government pursuant to the Contract Payment Modification Act. These sales had been sold once before and were subsequently resold as part of the typical annual sale program. The point is that during the past several years, only about 2.5 billion feet of *new* sales were sold each year.

I do not agree entirely with your second principle. There are instances when some limitations on judicial review is appropriate. For example, once forest plans are finalized (appealed, litigated, etc.), I believe that some limitations on the judicial review of project level activities is appropriate. This would be helpful in the implementation of forest plans. Senator Packwood has introduced legislation that would accomplish this streamlining of legal challenges.

It seems to me that the appropriate forum for raising legal issues is the forest plan. Once all the arguments have been heard or legally resolved relative to the forest plan, however, project level activities conducted under the plan should have some protection from additional legal challenges.

Dispute resolution utilizing a neutral third party is an appropriate process in some instances. It should not be viewed, however, as the routine method of resolving controversies over the management of public forest resources. The Forest Service should have some authority for deciding on equitable solutions to resource management problems. The agency has statutory obligations, policies, and regulations that are the product of lengthy public debate. The agency, therefore, should be equipped with the best information and knowledge for resolving disputes. In situations where the agency's decision is not acceptable to a particular interest, then the appeals process and the courts are appropriate forums for resolving disputes.

Finally, I agree that the authorizing committees should be charged with developing long-term policies for our Federal forest lands. There are circumstances, however, when short-term solutions should be addressed through the appropriations process. The crisis that developed this year in the Northwest, for example, warranted the intervention of the Appropriations Committee. Short term, unusual situations where people are suffering due to the inability of normal processes to work in a timely manner warrants special consideration. The appropriations process is the most efficient way to address such short-term solutions.

Question 2. I am concerned that region 6 plans are more than 4 years behind their statutory deadline. Some have said that timber industry appeals held up the release of the draft plans. Now that most of the draft plans have been released and show a significant reduction in timber target levels, does industry intend to file more lawsuits to block the release of final plans or do they find the agency's analysis acceptable?

Answer. The most significant cause of the delay in completing forest plans is the appeal and subsequent lawsuit filed by the preservation community against the Forest Service's Regional Guide for the Pacific Northwest. The *environmentalist's* appeal of the Regional Guide resulted in the preparation of a supplemental environmental impact statement (SEIS) for the spotted owl. The *environmentalists* then filed a lawsuit when they didn't like the product. These tactics are largely responsible for the forest planning process not being completed.

Industry has several serious concerns with technical deficiencies in the forest plans. Yield tables, determination of suitable lands, analyses of cumulative effects, inventories, development of minimum management requirements and similar issues plague many of the draft plans. We have met with the Forest Service for years discussing these issues with little satisfaction. If filing a lawsuit is the only recourse to correct the errors, we will do so.

Question 3. With increasing pressure to reduce timber harvest levels off of Federal lands, many believe State and private landowners could help supply the Nation's record demand for forest products.

I believe there may be an opportunity to draft a forestry title in the 1990 farm bill to help provide incentives to these State and private landowners.

Would you support a forestry title, and are there any programs that could be included that would be useful to your members in the region?

Answer. Yes, we would support such a title. But you should know that economics is the most influential force that dictates the management of private lands in the Northwest. Consequently, the private lands here are intensively managed for timber production. They are well managed lands and I don't know what could be done on the farm bill to improve upon the current situation.

Some assistance to the nonindustrial private woodlot owners would be helpful. While I am certainly not an expert on this subject, my impression is that there is a potential in this ownership category to contribute more to the timber supply in the region.

Question 4. We often hear that uneven-age management practices are viable alternatives to clearcutting for certain hardwood and softwood species.

Given that the Government, not the company contracting to harvest Federal timber, is responsible for managing timber sales, do companies have a strong preference for clearcutting over selective logging practices? If so, why?

Answer. Clearcutting is the most effective way to regenerate Douglas-fir. It is a harvesting method that most closely duplicates the natural life cycle of a Douglas-fir forest. Sustaining the production of Douglas-fir is the primary reason for clearcutting.

Selective logging results in two negative consequences. First, it reduces yields from lands allocated to timber production. Second, it makes it more difficult to regenerate Douglas-fir. Over the past decade, the land base available for harvesting timber has been reduced dramatically due to set-asides for wilderness, scenic areas, national recreation areas, research national areas, etc. Each time the land base has been reduced, our industry has been told, "Don't worry, we'll make up the loss with more intensive forestry on the land base left for timber production." Now that less than 40 percent of the national forest lands are available for intensive forestry, we are confronted by a movement intended to eliminate the silvicultural tools that make those lands the most productive.

Should you want any additional information, please don't hesitate to ask.

Sincerely,

JAMES C. GEISINGER,
President.

PREPARED STATEMENT OF BROCK EVANS, VICE PRESIDENT FOR NATIONAL ISSUES, NATIONAL AUDUBON SOCIETY, WASHINGTON, DC

We have been asked to appear before you today to answer a crucial question: is the planning process now in use by the U.S. Forest Service working in a satisfactory manner, so that the Forest Service can meet its multiple use mandate, as required by law?

Our response is emphatically that it is not. While the process appears to have served the demands of the timber industry very well, the other uses mandated by law—outdoor recreation, range, watershed, wildlife and fish, wilderness—all have suffered grievously in the three decades since the passage of the Multiple Use Act. This situation has not at all improved—indeed it has gotten worse—since the passage of the National Forest Management Act and Resources Planning Act, in the period 1974-76.

The reasons for this failure to protect environmental values are many, but they are not complex, as some might say. From the perspective of a large, national environmental organization with tens of thousands of members and hundreds of chapters engaged in working with the Forest Service on almost a daily basis for three decades, the basic reason for the failure is very simple: it is the agency's overwhelming emphasis on cutting trees in the national forests, and building logging roads to

get to them, that is the cause for the severe permanent damage to other multiple use values which we will document below.

I wish to draw to your attention the fact that we do not use the common term "harvesting" when referring to the logging that has taken place in most national forests. That is because most of the tree cutting on the national forests involves the logging of timber that is essentially ancient forest or virgin forest, and not yet in a "managed" situation. Such old forests being logged for the first time are certainly not being "harvested"—to many of our members, "mined" is a more apt term. This committee should be aware that the euphemism "harvest" was a term deliberately selected by public relations personnel for the timber industry and the Forest Service about 20 years ago, because it connotes a far more gentle image of the aftermath of a logging operation than what it actually looks like out there on the ground.

As noted, the reason for the Forest Service's failure to use the planning process to meet its statutory mandate to protect all values are many. Essentially, they can be divided into three categories: political, bureaucratic, and ideological.

But in its essence, what we are witnessing—what has caused the need for this hearing at all—is the failure of "discretionary forestry."

Before we analyze the causes of the failure of discretionary forestry and offer recommendations to restore the balance between the uses in the national forests, it is first necessary to revisit the past, because sadly, there is a long history of such failures.

This is not the first time that Congress has questioned the Forest Service's implementation of its mandate.

It is very sad that we must be here today. It is sad that once again we must come before committees of the Congress and explain once again why that agency cannot be trusted to have a "free hand" in managing the public's resources. Simply put, for all the words and promises you will hear, environmental values basically are not protected, not if they conflict with achieving the timber goals that the agency perceives as its overwhelming mission.

1964 was the first time we were here, Mr. Chairman. Four years after passage of the Multiple Use Sustained Yield Act, the agency demonstrated by its policies that it would not protect the splendid wild lands under its jurisdiction. The only way to respond to the Nation's need for a real wilderness system was therefore to take the discretion to deal with wilderness out of the hands of the Forest Service; hence, the passage of the Wilderness Act. The Forest Service's hostility to creation of wilderness areas—at least with trees in them that could be logged—is well known and continues to this day. For example, a recent confidential report from the Southwest Region, USFS, laments wilderness bills because they diminish agency "freedom of action," and recommends strategies to avoid court rulings that may lead to more protection.

In the late 1960's another citizen uproar began again, this time over the increasingly widespread use and practice of clearcutting. There were citizen protests in western Montana, Wyoming, West Virginia, and in the Pacific Northwest; Senator McGee of Wyoming even caused the establishment of a "Blue Ribbon Commission" to report on the subject and recommend drastic changes in the agency's approach. All this culminated in a series of hearings in 1971 conducted by Senator Frank Church. Attended by citizen witnesses with documentation from every region of the country, the result was the publication by the then Senate Interior Committee of the famous "Church Guidelines," directing the Forest Service to severely restrict clearcutting and limit its use only to situations where it was completely necessary.

But once again, the Church Guidelines were essentially discretionary, not mandatory; and sure enough—by 1974, the agency's overzealous application of clearcutting had gotten so bad that frustrated citizens in West Virginia filed—and won in court—the famous *"Monongahela"* decision. That court injunction against excessive clearcutting precipitated another congressional attempt to resolve the deteriorating situation on the public forests. The result, after a year of hearings and debates in both bodies was the National Forest Management Act of 1976—in many ways a landmark statute. Or, so we thought.

The final bill was not the bill that we environmentalists had desired. Fifteen years of experience with the Forest Service's application of the principles of the Multiple Use Act of 1960 had convinced us by 1975 that the Forest Service had considered the logging of our Nation's trees, and the conversion of them to "plantation forests" as its primary mission. It simply was not to be trusted to protect wildlife, watersheds, recreation, and wilderness with much more than lip service. Indeed, an analysis of nearly every claim to the contrary by the agency, before or since, reveals that most of the touted "improvements" for wildlife or recreation, for example, are

almost always paid for with money received from logging elsewhere, or are really mitigation measures to be fit in around the logging program.

If the agency could not be trusted to exercise its discretion in a fair way, then what was the answer? In 1975, we felt that it was embodied in the principles of a bill introduced by Senator Jennings Randolph of West Virginia. Essentially, the bill was very specific about what agency foresters could and could not do on the ground: among other things, it limited the size and application of the infamous clearcutting practice, it forbade logging where there was no net profit to the Government, it required stringent protection of endangered species and protection of the marvelous diversity of plants and animals then still extant on the national forests. This was called "prescriptive forestry" by those who attacked it—primarily from the forestry establishment and the timber industry; and it was. But its great merit was that it clearly set public policy that all uses were to be protected, and set out how it was to be done.

But the environmentalists' hopes were not to be realized in the National Forest Management Act. While that law did appear to more firmly direct the Forest Service to balance all uses, to limit clearcutting, to truly protect biodiversity, to manage for values other than timber—at every step and every turn, it is riddled with the words "where practicable," or "where possible." These were deliberate words written in either by the Congress or later on in implementating regulations; essentially they represented the triumph once more of "discretionary forestry," or the prevailing notion at the time that somehow the "professionals know best" how to manage the various resources and balance competing demands for them.

But that is why we are here today, Mr. Chairman. The statutory language even the implementating regulations—*are* basically adequate to protect and balance all uses. But the agency simply has not done it; it has exercised its "discretion" under the law almost entirely in one direction: toward timber. There would be no need for these hearings otherwise.

The results of the misapplication of "discretionary forestry."

The best evidence of the failure of the planning process to implement either the provisions of the Multiple Use Act or the provisions of the National Forest Management Act are not to be found in the dry testimony of hearing rooms. They are best found, Mr. Chairman, in two other places: either out there on the land itself, or just as importantly, in the hearts of an aggrieved and outraged public—which, having come to realize there is no hope of redress from the agency, has resorted to the only means available to it: the court system.

To see the results on the ground, we invite you to take a tour of almost any national forest with us. We could take you to any of the Texas national forests, where violation of the clearcutting guidelines has resulted in further endangerment of the red-cockaded woodpecker, and court injunctions to slow down the practice.

We would love to take you on a tour of the Kootenai National Forest in Montana, or the Panhandle National Forest in northern Idaho, and show you the hundreds of miles of new logging roads, most of them built over the protests of fish and wildlife experts, to access marginal timber in steep and fragile areas, to the destruction of fisheries and hunting opportunities.

And we especially invite you to come with us to tour the ravaged stands of once-magnificent ancient forest in the Olympic and Gifford Pinchot National Forests of Washington State, or almost anywhere in Oregon, especially the Mt. Hood, Willamette, and Siskiyou National Forests. There you will see the full result of the failure of the agency to adequately protect the most unique and diverse ecosystem in the United States—our remaining ancient forests.

Finally, we would offer to take you to the Fremont National Forest in Oregon now, where the final assault is being planned on the largest, most diverse and wildlife-rich stand of ancient mixed-conifer/ponderosa pine forests, at the famous Auger Creek site. The Auger Creek Forest, which has no match anywhere in all of eastern Oregon and Washington, has been offered for sale by the Forest Service and will possibly soon be logged. We are appealing this travesty of a timber sale—this is "timber mining" of the worst sort, and a violation of every environmental law.

But as I said, the results of these failed policies are also to be found in the hearts and minds of the public—at least the nonlogging public. While those who seek to extract wood products from the national forests have, generally since 1976, enjoyed a constant or rising level of timber sales to feed their mills, the rest of us have watched trails, wildlife, recreation opportunities, wilderness, and clean water steadily *diminish*.

Unfortunately, the gradual degradation of nontimber resources on the ground was matched by the results of the planning process which was mandated by the RPA and the NFMA. In the early 1980's, when the first draft plans were released for

comment, the shape of the future of our national forests under the "discretionary" policy was apparent for all to see: in most of the 156 national forests, the "preferred alternatives" of the "agency professionals" called for at least a doubling of logging and logging roads, and often a tripling. Lip service was paid to the other values to be sure, but careful examination of nearly all the plans reveal that essentially very little of important forest environments would get meaningful protection.

And this is the clearest example of the utter failure of the planning process to implement the statutory mandates of multiple and balanced uses. Since the first plans have appeared, close to 800 appeals have been filed, the vast bulk of them by nonindustry oriented groups. Most of the plans appealed then went through a lengthy process of negotiations between the agency and disaffected environmentalists. Three of the environmentalist-appealed plans have gone to court so far. One final decision has been made, giving victory to environmental concerns on most points.

What is most significant about all of this, Mr. Chairman, is not what the final results of the negotiated or court-settled plans have been—although they are uniformly much more environmentally oriented than they started. What is significant is the demonstration that left to its own devices, the Forest Service invariably has choosen alternatives which are so skewed in favor of further industrial development and commercial resource extraction that citizens have been driven to organize and file these lengthy appeals, at great time and expense to the public treasury as well as to the lives of thousands of citizens.

The other consequence of the agency's failure to use the planning process to fulfill its mandate probably has even greater long term consequences for the future of "discretionary forestry" in this country. In place after place, from the White Mountains of New Hampshire to the Sierra of California, from the lake country of northern Wisconsin to the pine forests of Florida and Texas, citizens have organized themselves to oppose these plans, and by implication, all the policies of the Forest Service. In all my years of working on national forest issues, Mr. Chairman, I have never really seen anything quite like it.

With perhaps the single exception of the Green Mountain Forest in Vermont, where the plan was so well balanced and satisfactory that it was not appealed at all, there is big trouble in nearly every other forest. Frankly, the citizens that I deal with every day in nearly every national forest area are simply fed up! They are fed up with "Preferred Alternatives" which almost always seem to select a level of logging and road building higher than the excessive amounts of the past; they are fed up with a public comment and participation process which doesn't listen and respond to real citizen concerns; and they are fed up, above all, with the overwhelming predilection of the decisionmakers in the agency to maximize logging, road building, and other resource extraction in the name of "scientific forestry."

Thus, painfully over the last decade, Mr. Chairman, environmentalists everywhere have come to believe that the planning process will not help to restore the balance in the national forests. While the words of the statute and the regulations are not inadequate—the implementation program of the agency is. To put it bluntly, we have come to believe that there is no hope of redress for our grievances to be expected from the U.S. Forest Service, so great is its emphasis on continuing the logging patterns of the past.

Thus, if the mandates of the Multiple Use Act and Forest Management Act are not being followed by the planning process in any meaningful way, what do beleaguered citizen groups do? We do as we have done for the past decade, and increasingly so; we have turned to the other two branches of Government, the legislative and the judicial, for the redress that we cannot expect from the agency, as the agent of the executive branch. Discretionary forestry, as it has been practiced since the National Forest Management Act, simply has not worked.

Let us briefly examine some specific instances of this failure before we turn to some suggested remedies:

Failure to provide for diversity of plant and animal communities.

Section 6(g)(3)(B) of the National Forest Management Act states that the Forest Service must:

"(B) Provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives, and within the multiple-use objectives of a land management plan adopted pursuant to this section, provide, where appropriate, to the extent practicable, for steps to be taken to preserve diversity of tree species similar to that existing in the region controlled by the plan;"

The Forest Service regulations on diversity state:

"Diversity. Management prescriptions, where appropriate and to the extent practicable, shall preserve and enhance the diversity of plant and animals communities including endemic and desirable naturalized plant and animal species, so that it is as [at] least as great as that which would be expected in a natural forest and the diversity of tree species similar to that existing in the planning area. Reduction in diversity of plant and animal communities and tree species from that which would be expected in a natural forests, or from that similar to the existing diversity in the planning area, may be prescribed only where need [needed] to meet overall multiple use objectives. Planned type conversion shall be justified by an analysis showing biological, economic, social and environmental design consequences, and the relation of such conversions to the process of natural change."

Even making allowance for the "fudge words" such as "the to the extent practicable," it is clear that the act wanted something somewhat different than the widespread conversion to commercial-tree monoculture which the policy of the Forest Service in the early 1970's, before the passage of the act. And it is equally clear from the regulations that the Forest Service clearly understood this mandate.

But what has been the result in the past 13 years? Any flight over any national forest, from Northwest to Southeast shows an increase in conifer-monoculture, in hardwood conversion, in the spreading of clearcuts across the land—not a decrease. In the case of the Chequamegon National Forest in northern Wisconsin—the Forest Service's "solution" to the diversity problem was to scatter clearcuts across the entire forests. This, it argued, would provide more "edge effect" and thus increase the "diversity" around the clearcut. While true in a superficial sense, the agency completely ignored the fact—supported by numerous eminent scientists—that such practices would largely *eliminate* true biodiversity, because it would eliminate the essential habitat of interior forest species, which cannot tolerate or exist in such scattered openings. The real reason, unspoken here as elsewhere, was that, of course, clearcutting promotes the logging program and lets more trees be cut, while preservation of meaningful blocks of interior forests would not.

Failure to protect endangered and sensitive species.

The national forest lands provide habitat for more than 3,000 species of fish and wildlife. Over 130 of such species currently are officially listed as endangered or threatened, from the red-cockaded woodpecker in the forests of the Southeast to the spotted owl in the Northwest, to the grizzly bear in the Rocky Mountains, and many others. But what has been the response of the agency since the passage of NFMA to managing its forests to protect such species? The failure to protect the ancient forests in the Pacific Northwest is well known; that is the entire reason why the Fish and Wildlife Service has now indicated that it probably will have to list the spotted owl as a threatened species. It was not threatened in 1976, but it is now. Why? Because the agency has persisted in its logging/old growth fragmentation program, despite the protests of its own scientists.

Everywhere there is a large scale national forest timber program—and that is almost everywhere there is trees—there is documented habitat lost for fish and wildlife—with resulting adverse affect on their population.

In the words of the Idaho Department of Fish and Game: "In Idaho, we have reached the point where increases in access (new roads) are undesirable from a wildlife standpoint because:

(1) The increased vulnerability of animals to harvest, necessitates reduced hunting seasons, thus less recreational opportunity;

(2) Threatened and endangered species suffer from increase contact with people;

(3) Wildlife-oriented recreation and roadless settings is increasingly less abundant, thus in great demand; and

(4) Habitat utilization by many species declines due to their avoidance of human activity on or near roads." [1]

In the case of the grizzly bear, and other endangered species the Forest Service in Montana, for example, has repeatedly taken actions which have jeopardized the survival of the bear and its habitat. This is not just in the well documented instances of issuing permits for oil and gas drilling in important bear habitat, but there are also examples of decisions by agency officials to ignore their own final plans and regulations. Such is the case of a regulation issued by the Forest Supervisor for the Flathead National Forest to close 3,600 acres of the forests known as the "Noisy Face" area to motorized vehicles during a critical time in resident grizzly bears life cycles. Here was an area designated as "Situation 1" grizzly habitat area, but when motor-

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[1] Nellis, Dr. Carl H. (Idaho Department of Fish and Wildlife), "Below-cost Timber Sales and Fish and Wildlife," in *Below-cost Timber Sales: Conference Proceedings*. The Wilderness Society, 1987, page 220.

cyclists appealed the regulation, and despite the clear directive of the plan that grizzly bears were to be favored, the regional forester reopened the Noisy Face area to motorized use. After lengthy appeals and controversy the matter was finally settled in favor of bears; but the basic point is that forest plans don't even work when they are finally adopted! They still can be overturned, and endangered species further threatened, apparently for political reasons by higher ups. It is difficult to blame citizens who care about endangered species for feeling that there is little hope of redress within the agency when its own plans cannot even be counted on to provide firm direction.

The process has failed to provide adequate reforestation as required by law.

The question of adequate reforestation is fundamental to the future of our forest lands and their ability to produce many products. It is intimately connected with the whole question of "land suitability"—that is whether the land in question can grow continuous crops of trees once it is logged the first time. If for reasons of climate, poor soils, rainfall—the land can only be logged once, then this is plainly "timber mining," and not "harvesting" as it is so often called.

Before 1976 evidence abounded that the Forest Service was conducting logging operations in places where the land simply was not "suitable" to regrow trees in the sense understood in modern "forestry." In face of the extensive documentation on this troubling subject that we submitted then, section 6(g)(3)(E) was added to the NFMA. It required the Forest Service, among other things, to:

"Ensure that timber will be harvested from National Forest System lands only where soil, slope, or other watershed conditions will not be irreversibly damaged; and where there is assurance that such lands can be adequately restocked within 5 years after . . . ."

Another provision required protection for shorelines and sensitive wetlands from detrimental changes where logging was likely to adversely affect fish habitat. This statute then directed the Forest Service to identify such lands in its management plans, and not to log lands "not suited for timber production, considering physical, economic, and other pertinent factors . . . ." The act further defined "suitable" as meaning lands that can be harvested without causing environmental damage and can be restocked within 5 years.

In other words, the Congress recognized that simply because a land area has trees on it does not mean that it is to be considered "suitable" for sustained production of trees. These "unsuitable" lands are not to be logged, and to log them is a violation of the act, not to mention very poor forestry practice.

Despite these clear directions in the NFMA, the agency did not seem willing to make any meaningful attempts to withdraw land from the timber base if they could not meet these reforestation and other suitability criteria. For example, both the initial San Juan National Forest plan, as well as the Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests classified no lands as unsuitable on the basis of these requirements, in spite of the fact that the Central Rocky Mountain National Forest includes some of the harshest growing sites anywhere in the United States. More recently, after numerous appeals and protests, these plans have been withdrawn and rewritten; but they still exist as a good example of the agency's reluctance to follow other multiple use mandates when it conflicts with the timber goals and programs.

Attachment A, attached hereto, "Reforestation Failure Cover-Up," a newsletter prepared by a local southwest Oregon environmental group documents that this serious tendency to ignore reforestation and land suitability difficulties continues to this day. This publication documents clearcuts that have not been adequately restocked on the Siskiyou National Forest in Oregon, both before and after 1976. The NFMA, of course, was designed to rectify the problems caused by the earlier cutting documented herein; the serious point made by the literature is that, even though areas cut long ago were not adequately restocked, the Forest Service continued to make new cuts next to them in the same area. These trees are not coming back either, resulting in yet another case of "timber mining" specifically forbidden by NFMA.

These are just a few examples of hundreds that have been documented extensively by citizens groups around the United States in the last 15 years. Altogether they are a sad testament, not only to the failure of the planning process to meet the Forest Service's statutory mandate, but also to its failure to provide for resource sustainability, and the long term health of our public forests. In our judgment, the laws that Congress passed 15 years ago are not working to protect the forests.

Reasons for the failure of the planning process.

We believe there are four basic reasons, all interrelated, why the process has failed, and why still, after all this time, the Congress is required to "micro-manage"

the activities of the Forest Service with increasing scrutiny and intensity—the opposite of what was intended in 1976.

These reasons, and a brief explanation of them are as follows:

1. *The statute itself is not precise enough.*—While there are many parts of the NFMA which seem to incorporate new ecological findings and concepts (e.g., the concern for biodiversity and restraints on excessive clearcutting), over and over again the effect of this language is weakened by phrases such as "where appropriate," and "where practicable." This has the effect of writing into NFMA the delegation of all fundamental crucial decisions to the Forest Service itself. In short, the language is too vague and permissive to *require* the Forest Service to follow congressional intent as to suitability, propriety of even-aged (clearcutting) management, and protection of "diversity."

The sad result has been that almost every time the Forest Service has exercised its discretion, it has done it in such a way as to further damage other multiple use values than timber. This is "discretionary forestry" at its worst.

2. *There are bureaucratic incentives to log too much.*—It is natural for agency officials, including public land managers, to wish to maximize their achievements with existing appropriations. However, in the case of the Forest Service, Congress has historically been much more niggardly in appropriating moneys for such things as campgrounds, wildlife, recreation trails, and stream improvements than it has been to fund the timber and road building programs. This has frustrated many responsible forest managers at lower levels who wanted to do something other than cut trees on their ranger districts. The bureaucratic answer came some years ago, when the Knutson-Vandenberg Act (requiring 10 percent of the proceeds from each timber sale to be set aside for reforestation purposes) was amended to permit it also to be used for "other" activities as well. This was the bureaucratic answer to a forest manager's prayer; if he could not get money to repair or build a campground in his district through normal appropriations—which he usually could not—then he could get it by selling more timber and using the receipts from that sale to do it instead. Thus over and over again, repeated thousands of times over the last decade, we have the phenomenon of logging and damaging some places in order to "assist" wildlife and recreation in other places, on the same national forest! This is the clearest example yet of "destroying the village in order to save it," and it is a practice that should be discontinued.

3. *There are ideological imperatives against fulfilling multiple use mandates.*—Attachment B, attached hereto, "Measuring Forest Service Bias" by Professor Ben Twight of Pennsylvania State University, documents what most environmentalists feel instinctively as soon as they become involved with the Forest Service through the planning process: that the agency, as an institution, has a strong bias toward cutting trees, and very little bias toward *not* logging them or building roads to them. After all, to let a stand of ancient trees remain intact is hardly "scientific forestry," much less "management," in the current agency jargon. Promotions are not given for managing good wilderness areas, protecting nongame interior forest species, or for beautiful vistas. Promotions and rewards are given in the agency system for "meeting allowable cut goals," and in general for pleasing commodity users. Twight's study and others like it perhaps explain why the Forest Service has historically been so vehemently opposed to the creation of new wilderness areas, where they have trees in them that could be logged otherwise. Not only do such congressional actions "restrict agency discretion," but they also go directly against the grain of the perceived mission: to cut trees, to replant them, to "harvest" them like the "tree farms" that are so much admired by most in the forestry profession.

4. *The political problems cannot be ignored.*—This is a delicate subject in this forum, but it needs to be said. One of the main underlying goals of the National Forest Management Act of 1976, that all parties supported, was the concept of "bottom up" planning. That is, that through a series of careful resource analyses and on the ground inspections, agency officials at the district ranger level would prepare estimates of land suitability and capability to produce many goods—of all the multiple use values. These amounts of timber, water, recreation, etc. would be aggregated at the lowest levels, and gradually percolate to the top of the agency. The sum totals of all these capabilities would then be the amount, for example, of timber that could be safely cut and still protect the other values equally, year after year.

In practice, this is not how it has worked. In practice, the administration sends up a budget request, including the amount of timber cut that it wants funded. While theoretically, these administration levels could be set through the aggregation process, we know better from numerous contacts within the agency. For the most part, these are "political" Allowable Sales Quantities. In any event, the Congress then

examines the budget request, and sets the final levels. Our experience in recent years is that such levels are almost always set at levels which are simply too high to sustain in a true multiple use setting. The latest example of this is the most recent appropriations bill, which arbitrarily raised the level of cut on the threatened ancient forests of the east side of Oregon and Washington by 200 million more board feet than historic levels. We have gotten numerous comments from the Forest Service employees charged with carrying out this mandate, that they simply cannot do it, and still hope to protect biodiversity, and ancient forest, much less wildlife and water quality. Somehow, we believe a way must be found to make certain that Allowable Sales Quantity levels are truly set on the basis of what the land can sustain, not what the political demands of the industry might happen to be in any one year.

A word about "Community Stability."

During the debates over the final formulation of the National Forest Management Act in 1976, both the Forest Service and the timber industry tried very hard to have the term "community stability" written into the words of the statute itself. In its wisdom, the Congress refused to do so, understanding then as we do even more today that—while an important concept—the term itself is somewhat vague and elusive, not subject to easy definition, and indeed has many different meanings to different people. For example: to the forestry establishment and to the wood products industry, "community stability" means guaranteed access to the timber nearby at a constant level of logging. Certainly, the Forest Service tends to see "dependent communities" as only those who economies depend on the timber industry.

However, many towns across the West depend on other things than wood products to sustain or stablize their economies. Outfitters and guides are "big business" in Idaho and Montana, for example—bringing in nearly $150 million a year into the economies of those States. River rafting, back-packing, nature study, photography—all these uses of the wildlife, scenic, and wild land resources of the national forests are, in the eyes of economists, an increasingly important part of the "stability of communities" throughout the National Forest System.

Nevertheless, the most common, the most emotional, and the most continually repeated justification for timber sales in ancient forests, in fragile areas, in roadless country, in steep and important watersheds, is always "community stability." While we recognize that it is taken as an article of faith by many that a perpetual flow of timber from national forests will ensure a stable employment base for nearby communities, we submit that this is a flawed representation of what actually happens.

This narrow reading of the real meaning of "community stability" focuses only on the supply side.

It is simply not possible for a local community with a mill to be insulated from larger forces of market demand, changes in productivity and milling techniques, and competition from other growing regions or substitute products, simply by promising that community that it will have the same supply of wood forever from the public lands. As we see it, the whole history of the decade of the 1980's demonstrates this: in an era when, in many places, timber cuts and sales, both public and private, have been higher than ever, mill productivity has increased and employment has actually gone down. If supply of wood were the only factor, how do we account for the fact that tens of thousands of jobs, either directly or indirectly dependent on the wood products industry in western Oregon were eliminated in the early 1980's, even though there was no shortage of wood to be cut or milled?

The conventional "community stability" argument also fails to take into account the other employment possibilities made available by the continued existence of other national forest resources—water for agriculture and municipalities, commercial and sport fishing and hunting, scientific research, amenities that attract industry, and just plain recreational pleasure. If the thousands of persons and businesses now dependent on the existence of these resources were to vanish from the small communities throughout the West tomorrow, these small communities would receive a severe jolt and certainly be destabilized. Most importantly, they would lose the critical component of *diversity* that is the best guarantee of true long term stability.

In short, "community stability" while a vague and elusive concept at best, certainly means much more than the logging off of all nearby forests to feed a certain aspect of a community's economy.

Conclusion and Recommendations for Change.

Mr. Chairman, we have had nearly 30 years of experience of the Forest Service's interpretation of its mandate under the Multiple Use Act of 1960; we have had 13 of its interpretation of its mandate under the National Forest Management Act; and 15 of its interpretation of the Resources and Planning Act. That is enough time to

judge whether the clear directives of Congress in these statutes have been followed or not.

For the reasons documented above, as well as thousands of instances left out of our statement, we conclude that it has not worked. When we say this, we are assuming that the Congress meant what it said in 1960—that all the named uses were to be equal, and were to be treated equally, that none was to receive precedence over the other. And we assume that Congress meant what it said in 1976, when it wrote very plain language mandating real protection of biodiversity, of wildlife and endangered species, real restrictions on clearcutting practices, protection of watersheds and soils—all nontimber uses.

Well, we have had almost 15 years of plans, drafts, and redrafts, preferred alternatives, public comment, and letters. We environmentalists have participated fully in the process, and at every step of the way, in good faith.

But there has not been very much new protection of the forest environment, certainly not voluntarily on the part of the agency. Such redress of our grievances as has come, has mostly come from two directions: from the courts which have responded to our appeals to it to force the agency to obey the law and its own regulations; or from the Congress itself, to which we have come repeatedly for specific protection of specific areas, once it became clear that the agency would not do it. The result has been, since 1970, millions of acres of new wilderness areas because we knew the agency would damage most of those wild lands otherwise.

But now we are in new times. Wild land protection is by no means the only goal of those who care about clean waters, the potential abundance of fish and wildlife, recreation opportunities, and the splendid ancient forests of our National Forest System. Somehow we have to work together, environmentalists and industry, the Forest Service and the Congress, to devise a better way of balancing the uses and protecting all interests on the national forests. As we see it, there are two possibilities which should be examined seriously as you continue your deliberations:

1. *Split the Forest Service into two agencies—the "New Zealand" example.*—Before 1987, New Zealand also had a Forest Service, established in 1919. However, just as in our country, many expressed the same concerns about the NZFS as you have heard over the decades here about the USFS: multiple use was just rhetoric, foresters were interested only in timber production, the institutional culture provided a reward system that only emphasized timber cutting, and environmental values were not protected. Fiscal conservatives in New Zealand also were concerned about the failure of the agency to break even in many of its timber programs.

The result of all this was a fundamental reform, authorized by the New Zealand Government in 1987 after considerable debate in Parliament. In essence, the production forestry end of the NZFS was "corporatised" by creating the New Zealand Forestry Corporation. Stewardship and environmental protection functions were given to a newly created agency, the Department of Conservation.

While not completely applicable to our political or social situation, there is merit in the idea that forests which are truly valuable for "tree farms" or "plantations" should be managed primarily for that use. Many of them are so cut over now that true multiple use management might not be possible in the near future. As we have seen all too often in the past three decades, to attempt to describe such zones as "multiple use" areas is just a sham and a rhetoric anyhow. It really has not worked.

And there is equal merit in having scenic vistas, riparian zones, key fish and wildlife habitat, ancient forests, wilderness areas and roadless areas, all the panoply of nontimber values that are produced by a forest—be managed by an agency whose function is to husband them, protect them, preserve them.

Perhaps it is simply asking too much of ordinary human beings to try to both log trees and protect the environment at the same time; at the current levels of logging it certainly has not worked on our public forests.

2. *Recognize that discretionary forestry has failed, and apply a more prescriptive policy.*—As has been so well documented, the "discretionary forestry" which has been practiced by the agency, making full use of the fudge words in the NFMA and regulations, has simply not worked to protect the forest environment. While the logging has proceeded apace or has increased in the last 13 years, the supply of wild lands, nongame wildlife species, good hunting and fishing opportunties, clean water, and unspoiled vistas, and recreation opportunities, has steadily diminished and been degraded. This is a situation that is only going to continue, as all past experience has shown. Fancy new brochures or expensive ads paid for by taxpayer funds about "walking into the national forests," do not change that fundamental fact, regrettably.

What will change these sad facts on the ground is a more precise implementation of the intention Congress expressed in 1960 and 1976—in other words, statutory lan-

guage without the weasel words. A revised statute, for example, could do the following:

—Mandate that the cut on each national forest not exceed truly sustainable levels.

—Mandate that all clearcuts be limited to a certain size, and only be used when it is silviculturally necessary; and clearly state that such alternatives as "shelterwood" or "seed tree" are so like clearcuts in effect and impact that they are not to be considered as substitutes.

—Develop specific definitions of specific types of ancient forests, for example, the east side mixed conifer/ponderosa pine, with specific and clear directives to the agency to *not* log them. A beginning at this was made in the appropriations bill this year; but it needs to be expanded to include other forest types as well. The protests against ancient forest destruction nowadays are not only on the west coast.

—Specifically repeal the unwise and unwarranted bureaucratic incentives, such as the provision in the K-V Act which permits logging money to be used for "other" purposes.

—Name specific types of soils and slopes that cannot be logged; there is certainly evidence about what is appropriate and what is not.

—Mandate no cutting in zones where reforestation has repeatedly failed.

These are perhaps the best two options available to us now in light of the failure of "discretionary forestry." They would answer the extreme problems of credibility now faced by the Forest Service when it tries to deal with the nonlogging public, and perhaps above all they would relieve Congress of the increasing burden of "micro-managing" decisions that it thought it had entrusted into a credible and balanced agency, so long ago.

But perhaps, Mr. Chairman, just perhaps, there might be another way yet. We all know of many outstanding individuals, especially in the lower ranks of the Forest Service: timber planners, biologists, range and recreation specialists, even some district rangers and Forest Supervisors. These people care deeply, they do not entirely see their mission as that of "getting the logs out," and they have not yet become totally inculcated with the institutional culture which rewards those who pay attention to the wood end of things and just gives lip service to the rest. Above all, they are still in the agency—they have not yet been adversely affected by the reward system which seems to promote mainly those who believe in building more roads and cutting more trees as their primary mission.

You may already be aware Mr. Chairman of the remarkable growth since last winter of a new organization, the "Association of Forest Service Employees for Environmental Ethics." This is the work of a young, award-winning timber planner from the Willamette National Forest—the biggest timber forest in the country—who has become very disturbed about the overwhelming emphasis of the agency on serving the needs of the wood products industry at the expense of all other values. At his own time and at his own expense. Mr. Jeff DeBonis has formed this organization, believing that many in the agency feel as he did. Attachment C is a copy of the organization's newsletter [Inner Voice].

He has been astounded, Mr. Chairman. At last count, he had over 1,000 Forest Service employees who are already members! In spite of extreme industry pressure to discipline Mr. DeBonis, to its credit the Forest Service has let him speak his piece, as long as it is on his own time and at his own expense. Mr. DeBonis remains one of the best timber planners on the Willamette Forest at the same time.

These are the kind of people, Mr. Chairman, who we believe are the hope for the future of the Forest Service. Perhaps there is still time for it to reform itself, if there can be a way for those who care about the new values, and who really believe in implementing the strong mandates of Congress, to be advanced more rapidly into decisionmaking positions. Perhaps then there would not be the need as we now see it to split the agency into several parts; and perhaps then "discretionary forestry" would mean true discretion, and not just overwhelming emphasis on timber production at all costs.

We commend these ideas to your attention, and look forward very much to participating in the vital debates to come. And perhaps at the end of this process, at last, Mr. Chairman, we can have a National Forest System that really does represent and protect all uses. Perhaps at last those green spaces on the map we all look at and cherish as part of our own inner "geography of hope" will be something that we can be truly proud of.

Thank you.

Headwaters

Newsletter: July 1989 Special Congressional Edition

Redwood Towers (6th & E) P.O. Box 402 Grants Pass, OR 97526

The Case Against Forest Service Management:

REFORESTATION FAILURE COVER-UP

Southwest Oregon, Siskiyou National Forest

Failed* 1986 Clearcut

Current Cut Levels Depend on Growing Tall Young Trees In These Old Bare Cuts

The photos presented here raise serious doubts about the Forest Service's ability to manage public lands in conformance with the intent of Congress and Federal laws.

Despite the passage of the National Forest Management Act in 1976, with its strict standards to insure reforestation within 5 years, the U.S.F.S. was not deterred from making new cuts next to areas that had not been successfully reforested after 15-30 years.

Unless otherwise noted, descriptions of cutting and reforestation history are taken from U.S.F.S. records ("Total Resource Inventory", version #9, Draft).

New Mistakes Amidst Unacknowledged Failures

1961 Clearcut Top of Buck Peak, 52 acres
Burned 1962, Herbicide Spray 1980
Planted in '65, '67, '72, '74, '76, '81
Reported Status: adequate stocking
198 trees/acre from '81

*1986 Clearcut officially reported with below minimum stocking.
I.D. #4006-540BA4, located above road

1979 Shelterwood Cut, Final Cut in '85
"adequate stocking", 191 trees/acre

1979 Partial Removal, Clearcut in '85
"adequate stocking", 175 trees/acre

1960 Clearcut, 76 acres Planted 3 times
Certified "Reforested", 354 trees/acre

Evans Testimony
Attachment A

1961 Clearcut Planted 6 Times

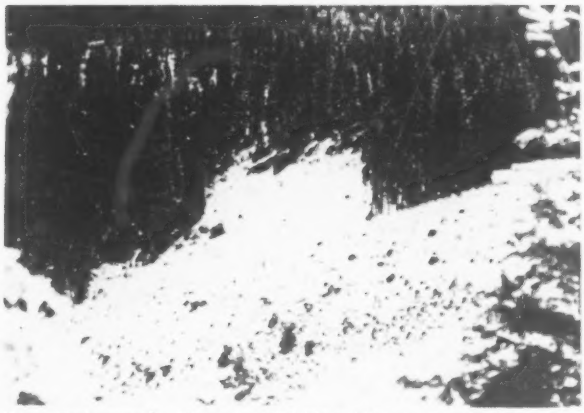
↓ Buck Peak

1979 Shelterwood Cut, Clearcut in 1983: Certified "Retorested" ↑

Top Cut 1964 | **above 1980 cut** | **Unrecorded Cut** | **1971 Cuts**

Located behind trees

Close-up View of 1964 & 1980 Cuts shown on left side of top photo.



Center Background | Clearcut in 1980, Planted Twice Burned 1981

Unrecorded Cut

Problems Recognized Are Being D

Right Foreground
Top Cut: Cut in 1964, Planted 4 times
Burned 1965, Herbicide Spray 1981
Certified "Reforested" in 1985 405 trees/acre from 1982
I.D. #4006-158BB9, 24 acres

Certified "Reforested" in 1985 405 trees/acre from 1982
I.D. #4006-161BB9, 28 acres

Unrecorded Cut: Located behind trees in top of page photo.
No I.D. # is given for this area on the Total Resource Inventory map.
Area shown uncut in 1978 aerial photo.

Current cut levels rely on there being original forest here still to cut.

Elevation
5,000 feet

"Above 4,100 feet clearcutting is questionable from a solar radiation standpoint. Above 5,000 feet it is out of the question."

1973 Reforestation Status Report, p.8. by the Illinois Valley Ranger District Silviculturist.

All cuts shown on these pages are from this District, and in this range of elevation.

1971 Clearcut, 14 acres
Holcomb Peak

in the 1960's & 1970's enied Today

Buck Peak Clearcut

A Threat to Sustained Yield

The Siskiyou Final Forest Plan assumes that the 1960's clearcuts in this picture have 30 feet tall trees on them, to be harvested by our grandchildren in 60 years. The "consistent failure of regeneration after clearcutting" on a similar site south of the Oregon Caves National Monument at Cedar Camp has recently been documented by Perry, et al. (Bioscience, April 1989, pp. 230-235)

"We can't regenerate some of our problem sites with assurance, especially hot, dry slopes in southwest Oregon, and high elevation sites."

1966 – George S.Meagher
U.S.F.S. Research Station, Portland

1966 Clearcut above Oregon Caves National Monument

View from 1966 Caves Cut

Planted 3 times: 1969, 1983, 1985
Burned, 1966
Sprayed Twice: 1981, 1983
Certified "Reforested" in 1988 with 453 trees/acre from 1984

Note. Once-forested areas like this should not be written off as a total loss, but they have been set back an undeterminable period. A few little trees which have come back from natural seed can be seen in the above photo.

Each failure like this requires a proportionate deduction in the annual cut.

Unrecorded Partial Cut & 24 year-old Failed Clearcut Damage Water Quality

Streamside Cutting Bares the Creek to Full Sunlight in July, 1989.

Warm Water Threatens the Survival of Young Native Salmon & Steelhead

Illinois River Headwaters, along the North Fork of Dunn Creek above prime spawning pools

The Siskiyou Forest Plan claims that it will "maintain or increase" water quality. This statement is true only in the context of serious degradation from past cutting practices, but water temperature increases from previous management are **not disclosed**.

Replanting 20 Years Too Late Keeps this Cut off the Official Failure List

This 1965 clearcut is recorded with adequate stocking in the 1988 "Reforestation Status Report" solely on the basis of 192 trees/acre surviving the 1988 re-planting effort.

The fact that this area of forest land is **20 years behind in scheduled timber production** is apparently not considered worth reporting by the Siskiyou N.F. managers.

Timber Supply to Substitute for Spotted Owl Habitat Cutting is Available from this Unrecorded Partial Cut:

The Siskiyou N.F. Cut Base Inventory (R2 Map) records no timber volume for this area, which is incorrectly classed as "Hardwoods".

However, the trees are there, and while the volume per acre is low after an old "high grade" operation took out the biggest trees, the area is accessible to roads.

If the Forest Service would look more closely at the land. . . the current timber supply, the Northern Spotted Owl, the Salmon, and the **future timber supply** *of young trees in the clearcuts would all benefit.*

Headwaters

For the protection of critical watershed

July 25, 1989

Dear Senator or Congressperson,

We are deeply disturbed by the U.S. Forest Service's lack of accountability and credibility with regards to fulfillment of its primary mission -- Sustained Yield. Our investigations of the tree-farms on the Siskiyou National Forest in southwest Oregon have exposed a remarkable disregard for basic record-keeping and disclosure practices (as required by law) for the prompt and successful reforestation of cut-over lands ... the crux of sustained yield forestry.

To assist Congressional understanding of these problems, Headwaters has compiled a photo-essay (attached) describing results from our Siskiyou National Forest Reforestation Monitoring Project. The photographs and tree-farm histories (based on Forest Service records) tell a story of neglect and lack of accountability.

We must conclude that if the Forest Service's record is so poor in meeting its major responsibility to sustain timber yield, then its performance with regards to its other responsibilities (the spotted owl, fisheries, recreation) should be carefully monitored. In the midst of the controversy over protection of the Northern Spotted Owl, and with the prospect of a 'rider' being attached to the Interior Appropriations Bill to override standing Federal Court injunctions, it is crucial that the accountability of the federal agencies charged with managing the spotted owl be accurately assessed.

A close look at actual conditions on the ground in the Siskiyou National Forest has caused us to question the public statements made by agency officials on both the local and national levels.

When the Siskiyou Forest Silviculturist told us that there were no reforestation problems, we went out and found them in the Illinois Valley Ranger District. The absence of adequate agency inventories, treatment histories, and maps has made the difficult work of monitoring agency activities especially tedious and time-consuming. As a result, the intensive research efforts of our volunteer staff have been thus far limited to one type of cuts (between 4,100 and 5,000 feet elevation) on one Ranger District of one National Forest. The sad findings are presented in the enclosed photo-essay, which illustrate the "consistent failure of regeneration after clearcutting" documented by Oregon State University Professor David Perry.

Post Office Box 1075, Grants Pass, Oregon 97526 Telephone (503) 474-6034

When the Chief of the Forest Service announced last week that stands of trees younger than old growth Spotted Owl habitat "are not capable of providing the intended sales volume" for planned annual cut levels in the Pacific Northwest, we could only wonder why he was not familiar with the findings of USFS planners and researchers who have identified 31 billion board feet of young mature timber in western Oregon and Washington. (See attached July 17th statement and Richard Haynes research report.)

In times of crisis, there is danger that a rush to judgement will run roughshod over the facts. It is our hope that then enclosed brochure describing USFS management of reforestation will contribute to closer Congressional scrutiny of this agency's public statements and on-the-ground performance. The Siskiyou Mapping Project, which we hope to soon extend to other public lands in southwest Oregon, will continue to provide information on reforestation success, substitute timber supply, and other issues.

While it is clear that much more investigation is needed to determine the extent of reforestation failures and their impact on current cut levels, the photographic evidence is also clear: Forest Service claims of reforestation success cannot be assumed to be correct.

Experience with the Medford District of the B.L.M., and with the Rogue River National Forest, has shown problems similar to those with the Siskiyou N.F.: obvious old reforestation failures; incomplete record-keeping and disclosure practices.

Specifically, we recommend that the Forest Service and B.L.M. be directed to perform intensive inventories of their existing plantations, and of their young mature timber supply available outside of Spotted Owl habitat.

In this time of controversy over timber supply, it is important to remember that current cut levels are ultimately dependent on the re-growth of young planted trees. The flawed Forest Service inventory data presented in the enclosed brochure indicates that the possibility of a serious threat to sustained yield forestry is being ignored.

Thank you for your interest in these matters.

Sincerely,

Julie Norman

Julie Kay Norman
President

Headwaters
For the protection of critical watershed

STATEMENT BY JULIE KAY NORMAN, PRES.
July 17, 1989

SHORT-TERM TIMBER SUPPLY: NO PROBLEM.

31 Billion Board Feet of young mature trees remain in the U.S. Forest Service inventory (1986, Haynes, see attached) from which to carefully select the compromise cutting levels for FY89-90.

The timber supply shortage, which has been blamed on court injunctions prohibiting the destruction of Northern Spotted Owl habitat, can be easily solved. The USFS and the BLM must follow the common sense strategy first pointed out to them 15 years ago, and shift their timber sale program from old growth liquidation to commercial thinning and the cutting of small sawtimber not currently needed by the Owl, with the goal of minimizing the fragmentation of viable old-growth forests.

Using detailed forest inventory maps developed for National Audubon Society's Adopt-A-Forest project, Headwaters and other plaintiffs will locate timber sales that minimize further damage to owl habitat.

The compromise which we are willing to accept, in order to ease the timber industry's transition into a new era, is the maintenance of cut levels for 1989 and 1990 at near historic levels. However, this fast rate of cutting is far in excess of a prudent sustainable yield and must be balanced by lower cutting levels over the long-term.

Environmentalists have agreed to release non-critical areas within the enjoined timber sales. That and the availability of substitute timber make it unnecessary for Congress to pass an Appropriations Rider that limits judicial review. The rights of Amer.cans to challenge the actions of federal agencies in court must remain, in order to ensure a fair hearing on issues affecting future generations.

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United States Department of Agriculture
Forest Service
Pacific Northwest Research Station
Research Note PNW-437
January 1986

Inventory and Value of Old-Growth in the Douglas-Fir Region

Richard W. Haynes

Abstract

Timber inventory data for all owners in western Washington and western Oregon were summarized by age classes to provide an estimate of the remaining amount of old growth timber. The data suggest that roughly 30 percent of the timberlands in the Douglas-fir region contain essentially mature timber (stands whose age is in excess of culmination of mean annual increment). Available information on value of old growth is scanty but does suggest that old-growth Douglas-fir is some 56 percent more valuable than second-growth Douglas-fir.

Keywords: Old-growth stands, stumpage prices, stumpage evaluation, timber supply.

Timberland Area and Cubic Volume by Stand Age and Owner Group

Definitions of each subregion and the location of each west-side National Forest are shown in figure 1. Timberland area and softwood inventory volumes by stand age (in 10-year age classes) for each of the west-side National Forests and various subregional owner groups are given in tables 1 through 5.

ACRES OF YOUNG MATURE FOREST
(105-155 YEARS, PROBABLY NON-OWL HABITAT)
IN USFS REGION 6
(from Table 1 & 2)

FOREST	ACRES	VOLUME MMCF
Mt. Baker/Snoqualmie	156,000	984
Olympic	37,000	290
Gifford Pinchot	106,000	860
Mount Hood	37,000	304
Willamette	150,000	1,318
Siuslaw	110,000	1,220
Umpqua	47,000	294
Rogue River	155,000	414
Siskiyou	23,000	117
TOTAL YOUNG MATURE	821,000 AC.	5,801 MMCF or 31,325 MMBF or 31 BBF

Figure 1.—Inventory units in the Douglas-fir region.

◁ PEER REVIEWED ▷

Evans Testimony
Attachment 6

MEASURING Forest Service Bias

Forestry and the public interest: Whose policies and values are represented by USDA Forest Service managers ?

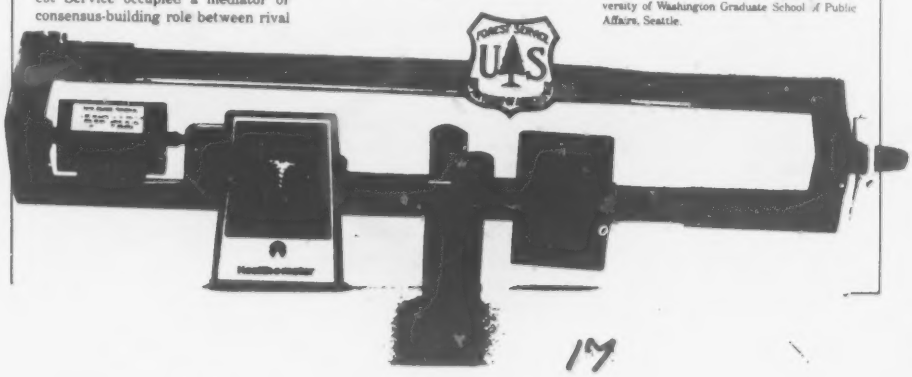
By Ben W. Twight and Fremont J. Lyden

In a 1961 *JOURNAL OF FORESTRY* article discussing the Multiple-Use Sustained-Yield Act of 1960, John Zivnuska of the University of California used a David Brower metaphor to argue that the USDA Forest Service may occupy dead center of the hurricane of interest-group controversy swirling about the agency, but he cautioned that the center was not a position of calmness and inaction. Even back then, political conflict was so prevalent in national forest management that Zivnuska stated that "controversy is the medium for multiple use decisions in the public sector . . ." (1961, p. 559). He cited a labor arbitrator's test for the middle ground of agency decisions among conflicting groups as being the extent to which the opposing groups were equally angry. Later, another article in the *JOURNAL* (Wagar and Folkman 1974) suggested that the Forest Service occupied a mediator or consensus-building role between rival environmental and utilization groups concerned with national forest management. This view seems consistent with recent organizational research on public agencies by Reichers (1985, 1986), who finds that organizations with multiple constituencies have members who identify in part with each of those constituencies and who represent these diverse constituent views within their agency.

And finally, in 1981, the private resource policy institute Resources for the Future published a book by political scientist Paul Culhane (1981) that presented quantitative data demonstrating that Forest Service and USDI Bureau of Land Management field managers occupied the attitudinal midpoint between their local environmental and utilization constituencies (Culhane 1977, p. 159–60; 1981). Similarly, Zivnuska and Wagar and Folkman, while describing the Forest Service position in the political conflict, also implied an attitude of impartiality and evenhandedness, akin to the numeric attitudinal midpoint between the groups described by Culhane.

Environmentalists were not so sure, however, and they began to accuse the Forest Service of protimber industry bias, or as political scientist Grant McConnell put it, "The constituent system of the Forest Service has discriminated in favor of sawlogs against the preservation of scenery" (1970, p. 366). Other environmentalists, including the Sierra Club's David Brower and biologist Rachel Carson, stirred public opinion against the production-oriented decisions of the Forest Service. As Steen

Ben W. Twight is associate professor, College of Agriculture, Pennsylvania State University, University Park. Fremont J. Lyden is professor, University of Washington Graduate School of Public Affairs, Seattle.



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(1976, p. 322) describes it, "With defense mechanisms churning furiously, foresters rejected the Browers and the Carsons instead of recognizing them as forerunners of the rapidly approaching future." The environmentalists reacted strongly to this defensiveness. Wilkinson and Anderson (1985, p. 63) note the result: "Congress began to restrict the Forest Service's authority through environmental legislation."

Was there any basis for the environmentalists' claim of a protimber bias within the Forest Service? Perhaps so. A 1972 *JOURNAL OF FORESTRY* article by Gordon Bultena and John Hendee and three recent books by historians support that notion. Bultena and Hendee (1972) found from a 1967 survey of Forest Service managers in the Pacific Northwest that the foresters perceived environmentalist views as illegitimate while seeing local communities as having legitimate claims on the national forests. In two different volumes, *Lumberjacks and Legislators* (1982) and *American Forestry* (1985), historian William G. Robbins of Oregon State University documents in great detail long-standing "highly congenial" relationships between the Forest Service and the commercial interests consuming national forest outputs. And in *Timber and the Forest Service*, former Forest Service historian David Clary documents a strong timber production bias in the agency, based on its historical goal of maximum sustained yield, and concludes that "the wood chopper's voice will remain important, but someday it just might cease to be the dominant one in the Forest Service" (1986, p. 199).

Does the agency really side ideologically with the forest utilizers? Or is it in fact on the fence between its conflicting environmentalist and utilization constituencies? One way to test where the agency stands between its environmentalist and utilization constituencies is to compare the three groups in terms of their basic beliefs and values. Social psychologists Daniel Katz and Robert Kahn identify basic organizational values and beliefs as primary factors affecting decision-making; they state that policy-makers, when searching out information for problem-solving, primarily look for data useful in implementing their own basic values (1978, p. 501–3). Thus, by looking at the beliefs and values of forest managers and their constituents, we might resolve the question of impartiality versus bias.

Table 1. Discriminant analysis results for three groups (1—environmentalists; 2—forest utilizers; 3—Forest Service district rangers).

a. Canonical discriminant functions.

Function	Eigenvalue	Percent variance	Canonical correlation	Wilks' lambda	Chi squared	DF	Significance
1	2.690	89.07	0.8538	0.2037	1240.9	42	0.0000
2	0.330	10.93	0.4982	0.7518	222.9	20	0.0

b. Standardized discriminant function coefficients.[a]

Variable	Function 1	Function 2	Variable	Function 1	Function 2
A23	−0.1885	0.5191	A37	−0.2240	−0.0095
A24	−0.0921	−0.3684	A38	0.1981	0.2375
A27	−0.2533	−0.4792	A39	−0.1473	−0.2111
A28	0.0594	0.2181	A40	0.1508	0.1531
A29	0.1314	0.0632	A41	−0.0428	−0.1240
A31	0.0456	−0.1072	A70	0.1078	−0.1680
A32	0.0581	0.4816	A71	−0.3341	0.3454
A33	0.1582	0.1277	A72	0.0620	0.1131
A34	−0.0619	−0.0664	A74	0.4871	0.0508
A35	−0.1960	−0.1698	A75	−0.0336	−0.4807
A36	0.1374	0.1807			

[a]Five variables were excluded by the stepwise discriminant analysis.

c. Canonical discriminant functions evaluated at group means (centroids).

Group	Function 1	Function 2
1	−2.8274	−0.1179
2	1.2463	−0.8784
3	0.7747	0.5093

d. Classification results.

Actual group	N	Predicted group membership 1	2	3
1	197	184 (93.4%)	3 (1.5%)	10 (5.1%)
2	202	1 (0.5%)	154 (76.2%)	47 (23.3%)
3	394	18 (4.1%)	94 (23.9%)	284 (72.1%)

Methods

For a test case, the authors used data from their 1981 survey of participants in the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA) public involvement process (Twight 1981). This national data set is unique in that it contains the responses of both environmentalists and industry/utilizer groups as well as Forest Service field managers to the same set of value and policy questions. In that study, all the public participants identified on the RPA Environmental Impact Statement mailing list (people who had contacted the Forest Service) were questioned, as well as all the district rangers (the lowest level of line officials in the agency) listed in the 1981 *Forest Service Organizational Directory*.

Four hundred (64 percent) of the district rangers responded. They had a mean of 20 years' tenure with the agency and averaged 15 years in the field. No discernible differences were found between the ranger respondents and the 30 randomly selected nonrespondent rangers telephoned.

Sixty-two percent of the listed public participants responded to the postal questionnaire, yielding a usable public response of 565. Calls to 30 randomly selected nonrespondents indicated that these members of the involved public tended to be slightly lower in socioeco-

nomic status than respondents and were more likely to be forest utilizers than environmentalists.

Two questionnaire items asked the public respondents if they identified with a participating constituency group and to state the name of that group. Most respondents chose either an environmental organization or a forest utilization group, such as a forest industry, mining organization, or livestock association. The three or four self-identified off-road vehicle group members who responded also were included with the industry group, as their answers to the policy and value questions were very close to the mean positions of that group. Thus, it was possible to label 197 environmentalists (group 1, *figure 1a*) and 202 forest utilizers (group 2, *figure 1b*) among the 565 public respondents. Discriminant analysis results are listed in *table 1*. The 166 ungrouped respondents were omitted because they did not identify their allegiance.

Public participants responded to the same 26 policy and value questions that were given to USDA personnel. These questions were those selected as important for the national RPA plan by the Forest Service because agency officials felt they were controversial or potentially so. T-tests showed that most of these 26 questions significantly distinguished between the two constituency groups noted above, verifying the judgment of the USDA and indicating their validity (Selltiz et al. 1976, p. 197). The questionnaire also included the five plan alternatives developed by the agency and six conservation-oriented value questions used by Lou Harris and Associates for the USDA Soil, Water, and Related Resources Conservation Act of 1972 national stratified poll (*table 2*).

The Forest Service district ranger responses to the 26 policy and value questions were appended to the public file so that these field-level managers (group 3, *figure 1c*) could be statistically compared with the two constituency groups and a stepwise discriminant analysis made. Somewhat like a stepwise regression, stepwise discriminant analysis produces equations that can be used to distinguish ("discriminate") between groups or categories. By supplying values for the relatively independent variables and bringing them into each equation in the order of their relative contribution to the discriminant function, an equation value is produced that can be used to classify each person in a population into one of two or more groups. The coefficients produced by the equations are standardized in relation to one another, so the size of the coefficients indicates their relative importance in distinguishing each group. Since there are three groups, two equations or func-

"The similarity of ranger views is . . . called 'group think'"

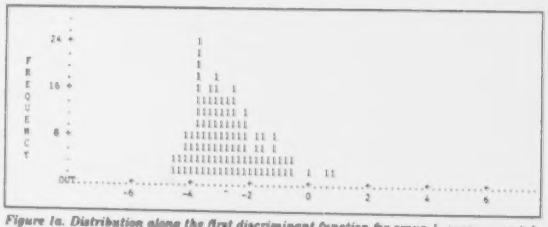

Figure 1a. Distribution along the first discriminant function for group 1, environmentalists (n = 197, ∧ = centroid).

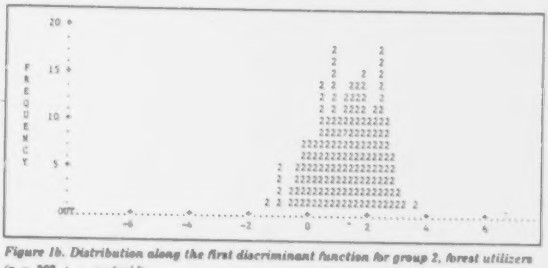

Figure 1b. Distribution along the first discriminant function for group 2, forest utilizers (n = 202, ∧ = centroid).

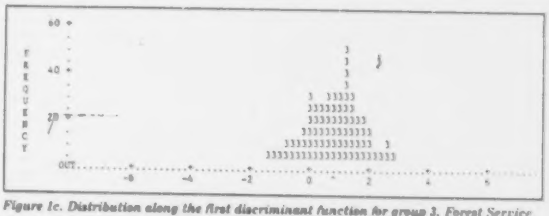

Figure 1c. Distribution along the first discriminant function for group 3, Forest Service district rangers (n = 394, ∧ = centroid).

tions, the second uncorrelated with the first, are produced. Each represents a dimension or linear combination indicating the degree and direction of separation of the groups. The relative distance between each group is determined by obtaining the mean of the equation values for each group and then comparing the means (centroids). For example, the group means on the first equation in this study are −2.8274 for environmentalists, +0.7747 for Forest Service district rangers, and +1.2463 for utilizer respondents.

The relative importance of each function to the other is indicated by the percentage of variance explained by the eigenvalue. For example, the first equation or function in this study explains 89.07 percent of the variance, making it about nine times more important than the second equation. The general meaning of each function can be determined by examining the content of the largest coefficients in the function, similar to the interpretation of factors in a factor analysis. Thus, the idea common to the larger coefficients in the first function in this study is "environmental preservation and protection versus economic growth," and the amount of variance explained by this function shows this idea is the most important policy and value concept strongly separating the environmentalists from the district ranger and utilizer groups.

Discriminant analysis is most helpful in this case because traditional statistical frequencies examine group responses through means and standard deviations variable by variable and do not allow one to determine which variables *together* most strongly distinguish or classify the membership of each group relative to the contribution of all the other variables found significant by the analysis. Traditional frequencies do not permit interpretation of the general meaning of the combination of variables distinguishing the groups being studied (see Norusis 1985, p. 75–123).

Results

Figure 1 clearly shows that the environmentalists form a group significantly different from the utilizer interests and the Forest Service rangers.

Table 2. Policy and value statements used to develop group means for comparing Forest Service rangers and constituent groups.

How would *you* respond to each of these issues:	*Favorable–Unfavorable*				
A22. Forest Service support of wood and wood products production from non-industrial private lands:	1	2	3	4	5
A23. Increased production of wood from National Forest System lands:	1	2	3	4	5
A24. A Forest Service role in developing wood fiber as an energy source:	1	2	3	4	5
A25. Greater Forest Service emphasis on utilization of hardwood timber supplies:	1	2	3	4	5
A26. Effect of present Forest Service timber export policy on national welfare:	1	2	3	4	5
A27. Use of herbicides on brush in National Forest management:	1	2	3	4	5
A28. Use of pesticides to control insect losses in National Forest management:	1	2	3	4	5
A29. User payment for non-market services from National Forest lands:	1	2	3	4	5
A30. Other means than appropriations for obtaining investment capital for National Forests:	1	2	3	4	5
A31. Development of National Forest lands for recreation purposes:	1	2	3	4	5
A32. Modification of present policies on eastern National Forests:	1	2	3	4	5
A33. Forest Service support of multi-resource planning on non-industrial private forests:	1	2	3	4	5
A34. Livestock forage development on National Forest lands:	1	2	3	4	5
A35. Development of energy-related and other minerals on National Forests:	1	2	3	4	5
A36. Federal assistance to develop state and local natural resource lands:	1	2	3	4	5
A37. Provide high level market and non-market outputs from the National Forests and high level assistance to private forestry:	1	2	3	4	5
A38. Provide low market and non-market outputs from the National Forests and low-level assistance to private forestry:	1	2	3	4	5
A39. Provide moderate market and non-market outputs from the National Forests and moderate-level assistance to private forestry:	1	2	3	4	5
A40. Provide low market and high non-market outputs from the National Forests and moderate level-assistance to private forestry:	1	2	3	4	5
A41. Provide moderate market and low non-market outputs from the National Forests and low-level assistance to private forestry:	1	2	3	4	5

These histograms, resulting from the most important discriminant function, place the district rangers much closer to the utilizers than to the environmentalists. The mean or centroid (caret below the horizontal scale in *figure 1*) of the environmentalists is almost three scale points below the 0 point, while the ranger mean is almost a full scale point above the 0, close to the utilizer group mean of +1.2463. The relative similarity of the rangers and the utilizer group is also shown in *table 1* by the closeness of their group means (+1.2463 and +0.7747) and the strong contrast with the environmentalist group's mean (−2.8274). These similarities and dissimilarities can also be seen in the 47 percent overlap between the utilizer group and foresters as determined by

Table 2 (continued)

Opposite opinions about direction this country should be moving toward:

	very strongly			neutral			very strongly	
A70. A country that saves its resources to benefit future generations.	1	2	3	4	5	6	7	A country that uses its resources to benefit the present generation.
A71. A country which believes protecting the environment is more important than economic growth.	1	2	3	4	5	6	7	A country which believes economic growth is more important than protecting the environment.
A72. A country which is willing to put up with some delay in decisions in order to let more people have a say.	1	2	3	4	5	6	7	A country which is willing to let a few people make the big decisions in order to get things done more quickly.
A73. A country which has a relatively small number of large farms.	1	2	3	4	5	6	7	A country which has a relatively large number of small farms.
A74. A country which emphasizes preserving nature for its own sake.	1	2	3	4	5	6	7	A country which emphasizes using nature to produce the goods we use.
A75. A country which gets the energy it needs by better insulating its homes, driving cars that use less gasoline and conserving more energy.	1	2	3	4	5	6	7	A country which gets the energy it needs by digging more coal mines, drilling more oil wells, building more power plants and producing more energy.

the classification results in *table 1*.

The first function, which distinguishes the environmentalist respondents from the utilizer group and the rangers, is the most important equation in the analysis as shown by the sizes of its eigenvalue, canonical correlation, Wilks' lambda, and the amount of variance accounted for by the function *(table 1)*. The variance of 89.1 percent accounted for by the first function shows that it is almost nine times more important than the second function, and thus the gap between the environmentalist mean and the utilizer and ranger means is the most important finding of this analysis.

Examination of the coefficients in the first function, which are similar to β weights in a regression (see Norusis 1985, p. 91-92), shows that A74, the value question contrasting the preservation of nature versus the use of nature for production purposes, is the strongest variable contributing to the function (0.4871). The second most significant variable (−0.3341) contributing to the function distinguishing between the two groups is A71, the value question contrasting protection of the environment with economic growth. Thus, the first function indicates that the issue of environmental preservation and protection versus economic growth forms the essence of the differences between the environmentalists and their adversaries, the utilizer respondents and the agency respondents, and allows us to classify the environmentalists with 93.4 percent success.

However, the overlap between the utilizer group and the Forest Service rangers is not complete, and the chi-square test *(table 1a)* for the second function shows that the differences between the two, while minor, are significant. Those differences can be seen in the group means for the second function, which show the utilizer mean at −0.8784 and the ranger mean at +0.5093 on the second function (which lies along a different dimension than the first function). Items A23, increased production of wood from national forests (0.5191); A27, more use of herbicides (−0.4792); A32, modification of present policies on eastern national forests (0.4816); and A75, production of more energy versus conserving it (−0.4807), show that the second function relates primarily to levels of production from the national forests. District rangers differ from the industry group primarily in their more conservative stance on production. The use of this second or "level of production" function (which explains only 10.9 percent of the variance in the analysis) allows us to distinguish the agency and industry groups with 72 to 76 percent success ("Classification results," *table 1d*).

Twenty-one of the variables were retained by the stepwise discriminant analysis program, while five were excluded as not significant group discriminators or as too similar to other more predictive variables *(table 1b)*. *Table 2* lists the actual statements used in the questionnaire.

"Does the agency really side ideologically with the forest utilizers ?

Discussion and Conclusions

This group of field-level line managers of the Forest Service failed to assume the middle ground predicted by Culhane (1981) and others. The ranger group was quite close to the Service's utilizer constituency and relatively far from its environmentalist constituency. Indeed, these Forest Service district

"Was there any basis for the environmentalists' claim of a protimber bias within the Forest Service ?"

rangers overlapped considerably with their utilizer constituency.

If Culhane's theory were correct, the group mean for the Forest Service district rangers in this study should have been about −0.7900 in order to be at the midpoint between their environmental constituency (group mean = −2.8274) and forest utilizer constituency (group mean = +1.2463, *table 1* and *figure 1*). Differences between the findings of this study and Culhane's may be partly the result of methodological differences. First, Culhane (1977) constructed his own set of highly similar issues to compare the agency with its constituent groups, rather than using official Forest Service policy and planning items as this study did. Second, unlike this study, Culhane's was based on a convenience sample of only 28 rangers and was not representative of the entire population of rangers.

Third, and most importantly, Culhane used a sample of local interest groups that was heavily biased (67 percent represented commercial interests, only 10 percent environmental interests) in favor of the various industry groups, particularly livestock and timber interests (Culhane 1977, p. 358). Yet a recent study shows that environmental political participants comprise about 21 percent of the U.S. population, while nonenvironmental political participants comprise about 19 percent of the U.S. population (Mohai 1985, table 6). The other 60 percent of the population apparently doesn't participate politically, and neither Culhane's study nor the Forest Service ranger perspective reported here reflect those representation realities.

Examination of the classification results in *table 1d* shows only a slight overlap (less than 5 percent) between the rangers and environmentalists, while between the rangers and the forest utilizers the overlap is more than 47 percent. Thus Reichers' (1985) prediction of multiple attachments to multiple constituencies does not hold true for the Forest Service.

Why is it that the Forest Service's district rangers seem to represent policy and value perspectives more in keeping with one major constituent group than the other? The answer plausibly lies in the agency's institutionalized socialization process, the most important features of which have apparently changed little since Kaufman's 1960 analysis (Briggs 1982). The environmental constituency only acquired statutory recognition of its natural-resource interests in 1960, while recognition of the interests of the consumptive or utilization constituencies predates the founding of the Forest Service in 1905. From 1905 on, Forest Service efforts were primarily aimed at regulating use. Use was emphasized because, in the uncertain political climate of those times, keeping the agency intact and the land in federal ownership required an active agenda of land-use opportunities for the agency to regulate.

It is probable that the long-standing agency personnel socialization practices described by Kaufman (1960) developed in those early days. Thus, practices such as hiring primarily from one profession, promoting from within, and maintaining regular lateral and diagonal transfers have precluded hiring or promoting to line (as opposed to staff) positions many persons sympathetic to the values and beliefs of the newer constituencies. Indeed, the continuing homogeneity in district ranger policy beliefs, values, and constituent perceptions found by Twight and Lyden (1988) in a test of Kaufman's earlier finding of uniformity supports that conclusion. The similarity of ranger views is still what Janis called "group think" (Katz and Kahn 1978, p. 513–15). Furthermore, an earlier study of the Forest Service's organizational identification process shows that the perspectives of the individual members and of the total organization become increasingly congruent over time, with the result that agency members are probably unable to accept socially new personnel with different beliefs and values (Hall et al. 1970; Schein 1978, p. 104–10).

A *Washington Post* story (Washington Post 1988) on the failure of Forest Service Region 5 to comply with more than half of the 162 provisions of a 1981 U.S. District Court consent decree regarding sex discrimination may demonstrate such institutionalized rigidity. Can the cycle change? Will the agency ever be able to represent all of its constituencies more equitably? Perhaps not. Unless the long-standing socialization practices of the agency are revised, most organization research literature suggests that change can occur only slowly, if at all. Kaufman (1975) and Pfeffer (1981, p. 289–330) have separately concluded that change in well-established, old-line organizations is doubtful. Indeed, Pfeffer presents several studies demonstrating that rather than change when presented with evidence that a belief is wrong, members of such institutionalized organizations escalate their commitment to the action that is not working.

Further, the performance and behavior of members of a bureaucratic career system are heavily conditioned by their expectations of the criteria that promotion boards will apply in reviewing their candidacies (Mosher 1968, p. 149). Thus a key to change may be via the promotion system, where the holding of other constituency values and beliefs by agency personnel must find representation, tolerance, and reward in order for diverse views to evolve. Perhaps a helpful change in the promotion procedure would be to bring nonforester outsiders with amenity and esthetic values onto oversight panels that monitor the operation of agency selection boards. However, even rewarding per-

sonnel for representing more diverse values and beliefs may not work. Pfeffer (1981, p. 289) points out that institutionalized commitment to previously adopted decisions and strategies causes administrators to persist on courses that have long outlived their usefulness, and that change only comes about when the present administrative cadre is replaced. ■

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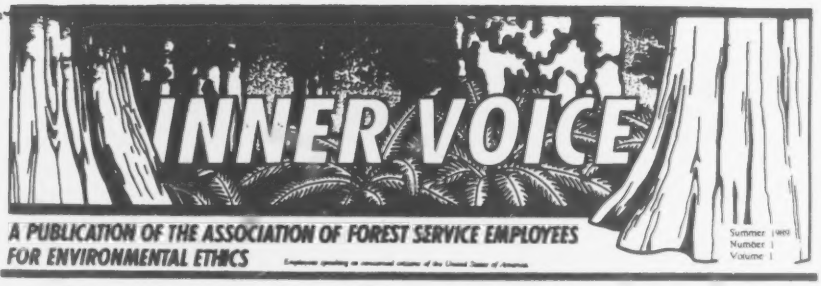
Evans Testimony
Attachment C



A PUBLICATION OF THE ASSOCIATION OF FOREST SERVICE EMPLOYEES FOR ENVIRONMENTAL ETHICS

Employees speaking on environmental matters of the United States of America

Summer 1989
Number 1
Volume 1

- **Are you a frustrated Forest Service Employee because your resource ethics conflict with your job?**
- **Are you afraid to speak out for what you know is ecologically right?**
- **Do you feel isolated and alone because of your resource ethics?**
- **Do you think the Forest Service needs to become a more ecologically sensitive organization?**
- **Would YOU like to help promote this kind of change within the Agency ? ? ?**

Who Are We?

We started out with two people. On a hot Saturday afternoon last September, a timber sale planner and a wildlife biologist were hiking through the Three Sisters Wilderness on the Willamette National Forest. We were discussing the frustrations of being a Forest Service Employee. The frustration over the agency's resource exploitation and its resulting contribution to world-wide environmental degradation and loss of bio-diversity. The frustration over the fact that as an agency, we could be LEADERS for a new resource ethic, instead of being followers of an out-dated, short-sighted agenda of the past. Frustration at the agency's continued denial that we are doing anything wrong, despite the public outcry and continuing litigation and killing of court cases and appeals. Frustration at the agency's attitude that our main mission is to supply raw wood products at any environmental cost to an industry that has already depleted it's own resources in the quest for the fast buck and good stock reports. We wondered out loud whether we should quit and go to work for a more socially and environmentally aware organization. We realized, however, that becoming just another "outside entity" trying to force change on the agency would be relatively ineffective. But we recognized how hard it is for individuals to speak out because of the fear of persecution and possible loss of jobs. We also realized how ineffective lone voices can be. Then, THE IDEA occurred to us that the most effective thing we could do right now would be to organize a committed cadre of dedicated activists working from the INSIDE in a POSITIVE way, towards the new vision of the Forest Service! In this way, we

would have a STRONGER, MORE EFFECTIVE VOICE if we had a UNITED VOICE.

At that point we began our quest to form a united group of like-minded individuals, a group of individuals we knew existed within the agency in great numbers.

What Is Our Vision?

* We believe the value system that presently dominates the Agency in terms of how we manage the land is in need of immediate change.
* We believe that biological diversity and sustainability is more important than "managing" for fiber, forests and short-term political expediency, especially on Public lands!
* We believe that we should be totally honest with the public, Congress, and especially ourselves in terms of divulging and admitting the extent of resource degradation that has occurred as a result of two decades of excessive timber cutting, road building, and other activities with little regard for other resources values.
* We believe the Forest Service should become the leader in the quest for a new resource ethic based on an economically and ecologically sustainable future for the 21st century. To this end, the agency should promote an alliance with the global environmental movement and distance themselves from the short-sighted agenda of resource exploitation interests.
* We believe it's time for a change in philosophy and strategy: lets start meeting the SPIRIT and LETTER of NEPA, NFMA, The Endangered Species Act (and our other resource protection statutes) instead of meeting the politically- mandated, inflated timber "harvest" levels. To this end, we need to act in defense of NFMA, NEPA, The Endangered Species Act, biological diversity, and spotted owl habitat instead of the reverse.
* We believe it's high time our agency stopped being an embarrassment to itself: we want our agency to take it's rightful place as a LEADER towards a sustainable, livable 21st century!
* We believe timber harvesting and other resource "management" activities are appropriate on public lands, but NOT at the expense of other resource values or public subsidies, which means NOT at the current and planned inflated levels.
* We believe we should be designing and implementing land management policies which reflect TRUE stewardship and an ecologically sustainable economic base.
* We believe in putting the values of wildlife, fisheries, clean water, conserved soil productivity, and aesthetics on AT LEAST an equal footing with commodity outputs.
* We believe in promoting line officers based on their understanding and MEETING THE INTENT and SPIRIT of our land stewardship laws like NFMA, NEPA, and the Endangered Species Act, instead of getting promoted on how well they get the cut out.

* We believe the current political and organizational structure of the agency requires those of us within the agency at all levels to start speaking out, for a new resource ethic based on an ecologically sustainable future, and send a message to our congressional and agency leaders that it's TIME FOR A CHANGE!

What Are Our Working Objectives?

We want to become agents for change, to accelerate the agency towards a new resource ethic, by:

* EXPRESSION: Providing a mode of expression for facts, thoughts, and feelings contrary to the "agency line" in order to provide a forum for ideological diversity. The newsletter THE INNER VOICE will provide this forum. Anonymity will be provided to encourage the expression.
* SUPPORT SYSTEM: Providing a support system for those of us who now feel isolated because our value systems "doesn't fit", and to provide a united, strong voice for change instead of isolated, single voices easily subject to reprisals.
* LOBBYING: Become a lobbying force at the local and national level for more environmentally sound resource management within the agency.
* EDUCATION: Educate each other on ways we can work for and promote a change in values on our day-to day jobs.
* EXAMPLES: Spotlight people/projects that are making changes towards this new vision.

Who Can Become Members ?

* We don't think any particular series, grade or employment status has a corner on visionary thinking. To that end, we welcome ANY Forest Service employee, permanent, seasonal, professional, technician, former or retired.
* Although we are not specifically targeting other agencies, other public resource management personnel are welcome to become involved, including BIA, BLM, State Fish and Game Agencies, etc. We hope to eventually grow diverse enough to include the interests and issues of these other resource agency personnel as well.

How Can You Participate?

* Submit ideas, articles, editorials, art work, photographs, cartoons, examples/ideas of visionary employees or projects leading the way towards a new resource ethic.
*Design and submit a front page banner for the INNER VOICE...something that captures the spirit of our quest for a new vision. Any creative ideas/artists out there?
* Provide articles and information which "blow the whistle" on such things as resource sacrifice, to development interests, hypocrisy, short-sighted management at the expense of the resource, attempts to stifle outspoken employees, etc. Include an example of how the particular situation could be handled in a positive way to edge us toward the new vision.
* Volunteer to be an editor/article reviewer for a particular resource specialty.
* Volunteer to be a network coordinator, someone who would collect articles, promote membership, provide status reports for your forest/region/etc. We would eventually like a network coordinator on each unit.
* Promote organization of "think tanks" or information/technical groups at your unit level. Address issues of concern to your local area, such as sustainable economics in your community, or specific resource issues on your forest or district. Network with like-minded employees and research broader issues, such as employees' free speech rights within a government agency, and how the Forest Service should address it? Or, how agency wildlife biologists and other specialists are outlawed and pressured to conform, and how this can be dealt with it. Remember, we will publish the "unabridged" version of your reports anonymously! Keep us informed of working groups as they are formed, and we can keep smaller groups in contact with each other.
* Make copies of this newsletter and pass it along to co-workers!
* Help support us financially with this effort. Obviously we will not be able to support this effort (alone) financially for long, so donations will be gratefully accepted and applied toward future membership dues.
* Give us your thoughts and suggestions on how we should organize this association. We are presently considering becoming a non-profit organization, having a board, steering committee, etc. We are looking into two similar organizations of Federal Employees for ideas. Any suggestions, ideas or expertise would be greatly appreciated.

Continued on Page 3, See AFSEEE

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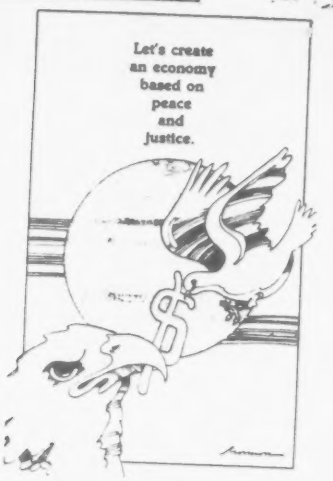


Dear Friends and Fellow FS Employees,

WELCOME to the first issue of "the INNER VOICE", a publication of the Association of Forest Service Employees for Environmental Ethics (ASFEEE)! After many hours of pouring through journals, news articles, and books; hours of writing and reading; hours spent in front of the computer terminal; false starts and wrong turns; hours spent trying to figure out computer programs, and then putting it all together and pasting it up, it now rests comfortably (we hope) in your hands and before your eyes.

So who are we (the "we" being the organization and the "we" also being the people behind the scenes)? If you have read the first page of this issue, that will give you a good idea. Just to reiterate, the "we" behind the scenes currently are a Timber Sale Planner and a Wildlife Biologist working in Region 6 (and previously in Region 1) who decided they were tired of sitting back waiting for their agency to come to their senses, and decided to actively take a role in bringing about needed change. The two of us hope the organizational "we" will soon include many of you in this agency who feel as we do. We know there are lots of you out there -- we've already heard from over 200 of you!!! And more letters and phone calls are received every day!

And what about "the INNER VOICE" -- what's this all about? We are hoping that this publication will provide people with a variety of things -- a chance to share information on Forest Service activities, resource issues, and environmental issues from a wide variety of sources, and a chance for you to speak out, to share your thoughts, ideas, problems, solutions, frustrations, etc. with a sympathetic and interested group of folks. We don't want to make it merely a "newsletter of horrors" and "Forest Service-bashing" (although reports on the negative aspects of Forest Service policy and management will certainly be a part of it). We also want to make it an eye-opening journal so that people can see how widely-felt this agency's activities are, and a problem-solving, "visionary" journal where we share and present information on better ways to do things so that the environmental integrity of our resources are retained for future generations. We hope to present a wide range of discussion: from the hard facts of scientists, to the thought-provoking words of philosophers and theologians, to the blood-boiling rhetoric of Earth First! "extremists."

We DON'T want to make this a journal devoted exclusively to Region 6, old growth, and spotted owls. We want this to pertain to a wide variety of resource issues throughout the entire National Forest Service system and the world! That is why it is so important that WE HEAR FROM YOU, so that you can keep us informed of what is going on in your area.

The main driving force behind this newsletter and this organization is CHANGE! The Forest Service MUST change its current way of thinking and doing business if we are to truly protect and sustain the resources that we oversee. This message is ringing out, loud and clear, across the nation and the world from an amazing variety of voices, but, unfortunately, it appears that our agency has chosen to ignore this. We hope that they cannot ignore the message when it starts to grow stronger and stronger from WITHIN!

In order for us to make a major difference, however, it is critical that YOU become involved. We have already gained the attention of high-level management within the agency, and we know we can make a difference. If you agree with what we are trying to do and want to help, do. You can help by contributing articles, letters, and artwork; by volunteering to become a Regional or Unit coordinator; by spreading the word. You can also help us monetarily. We have willingly financed this effort out of our own pockets to get to this point with direct costs of well over a thousand dollars for printing and nationwide distribution, but we know we can't support it by ourselves for long. So, to continue making a difference, your help is needed.

So, please, LET US HEAR FROM YOU today!! Let us know what you think! Give us your suggestions. Send us your membership forms. And please pass this copy along to friends and co-workers. The more members in the Association of Forest Service Employees for Environmental Ethics the greater our impact for change.

On Speaking Out, Conflict Of Interest, And Being An Embarrassment To The Agency.

It's not easy or "fun" sticking your neck out and speaking up for what you believe when those beliefs happen to run contrary to the status quo, as many of you know. A Forest Supervisor I used to work with once told me the difference between a revolutionary (me) and a politician (him) was that politicians lived to fight another day, another battle. Revolutionaries, on the other hand, typically die at sunrise, no matter which side wins. That may well be true, but if it weren't for the courage and risk-taking of the revolutionaries, who re-define the limits of normalcy, the politicians would have much less to negotiate with. In other words, you need both the politicians and the revolutionaries.

But why do we do it? Why do we risk our careers, our relationships, our families, our stress-less pay checks, and possibly our jobs to carry the banner for meaningful change, speak out against the status quo, and incur the wrath of our supervisors? It has to do with the fact that we have lost 50% of the tropical rainforest and 95% of our own temperate rainforest. It has to do with the fact that we are continuing to lose 8 square miles of old growth forests per month in the northwest, and 3000 acres of remaining tropical rainforest each hour. It has to do with the fact that we are losing 4 irreplaceable living species each hour. The current rate of species extinction equals that of the Cretaceous Extinction, when the dinosaurs became extinct. We speak out because industry is now pumping 22 billion pounds of highly toxic compounds into our nation's air, soil and water, and doing it legally! We are speaking out because the current global environmental crises are threatening to send us all the way of the dinosaurs. We as individuals can't literally change the world, but we can have an impact on our own sphere of influence. We may not be able to stop the rainforest destruction in the Amazon, but we CAN have an effect on the way our National Forests are managed! We can vote our consciences, and speak from our hearts. We know if we don't make a global change in our human value system, if we don't start living in an ecologically sustainable manner, job security and a future pension won't matter.

Since I've started speaking out on the Willamette, timber industry representatives have met with the Willamette Forest Supervisor and staff, written letters to the Chief and made phone calls to various agency officials demanding that I be fired, reprimanded or otherwise silenced. It has been suggested by some that as a result of my speaking out, I have become an "embarrassment to the agency". I would turn that question around, and looking at our (the Forest Service) record in the 9th Circuit Court of Appeals, I would ask the question who is truly an embarrassment to the Agency? I would say that the current paucity of visionary resource leadership, our obsession with maximum resource development and our pro-timber industry bias is a discredit and an embarrassment to our agency's historic role as a world leader in true land stewardship.

I've been told that writing in favor of preserving old growth, or stating that we, as an agency, ought to forge an alliance with the environmental community (our natural allies) is a conflict of interest. Who's interest? It is not considered a conflict of interest to promote the timber industry's agenda.

I often hear the argument that we all have our own truth, that one person can not tell another what is "right" for them, and that we should not judge the rightness or wrongness of another's beliefs. What we should judge, however, are the results or actions supported by that person's value system.

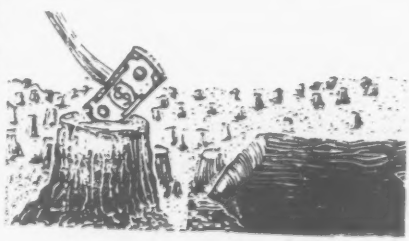
The corporate timber industry's value system looks at short-term economics and is motivated by short-term profit, period. Those in favor of continued development and unrestrained resource exploitation and never-ending economic "growth" are acting as if there is no tomorrow. Their value system says it's "right" to allow the extinction of the spotted owl or the loss of the remaining 5% of the temperate rainforest to squeeze out a few more profitable dollars.

Environmentalists look at the long-term picture, and are motivated by concern for the environment, sustainable life styles, and a healthy, diverse, and livable world for future generations. "Truth" to the environmentalist community recognizes the environmental calamity that the current world-view has wreaked upon the earth, and would like to see a habitable planet left for future generations. They believe that this generation doesn't have the right to make every last irrevocable resource decision and commit every last acre to development. It is ironic that in this instance, it is the preservation community who are the optimists, it is they who are acting as if there will be a tomorrow, a future generation that will care about the world they will inherit.

Judge for yourself which value system is going to produce the actions that are "right" for you, or better yet, for the next generation. Perhaps in the end, the best way to judge an action as being good or not, is to ask yourself the question, how will this action be judged by the next generation?

In summary, I believe that there are a lot of us out there who recognize the need to change and are ready to help do something about it. In the past we have been silent, perhaps out of a misguided loyalty to our agency. However, we must always remember that our loyalty belongs to our Nation and to the public trust. We are not ready to concede the integrity of our agency to the opportunists, the politicians and the dinosaurs. Your response will tell the tale. Are we ready to speak up loud and clear?

JND



Where Have All the Forests Gone?

by Timothy Egan

ROSLYN, Wash., Feb. 12 -Looking up at the shaved hillsides outside this frontier mountain town, Marianne Gordon sees her old nature trails turned to stubble and her husband's hunting grounds denuded of trees.

"When they're done cutting it all there won't be a forest anymore, but we'll still be here," said Mrs. Gordon, a native of this Cascade Mountain valley about 80 miles east of Seattle.

The manoeuvering of Wall Street and a legacy of the 19th century are behind a campaign to cut down all the trees in some sections of the evergreen forests here.

In 1864, when Lincoln chartered the Northern Pacific Railroad to lay track from Lake Superior to Puget Sound, he gave the railroad 38.5 million acres of public land as incentive. In what is now the state of Washington, the railroad got a 20-mile wide corridor of land for every mile of track it laid.

Over the years there were mergers and divestment that transformed the railroad into what is now the Burlington Northern Railroad Company, now a subsidiary of Burlington Resources Inc.

Plum Creek owns most of the land surrounding Roslyn - alpine valleys and steep slopes covered with Douglas fir, hemlock, and other evergreens. To ward off corporate raiders, attracted by the fact that the company is rich in resources but poor in liquid assets, Plum Creek is logging its 155,000-acre forest in the eastern Cascades at a rate that will leave no standing commercial timber for several generations, according to Peter Heide, the timberlands superintendent for Plum Creek's unit here.

Almost half the timber is being exported, mainly to Japan, in the form of raw, unmilled logs, company officials say.

Many of Roslyn's 950 residents contend that Plum Creek's decision in the early 1980's to accelerate clearcutting, in which all the trees in one section of a forest are leveled and then replaced with tiny seedlings, will severely hurt tourism here and jeopardize mill jobs.

"My husband's a logger -- what's he supposed to do for a living when they cut all the timber in a few years?" asked Sarah McCoy, one of several Roslyn residents who have organized in an effort to slow the logging.

Plum Creek officials are candid about their logging practices in the Northwest, where they own 1.5 million acres of timberland, most of which is land granted by the Government.

"It's a market-driven decision," said Mr. Heide, who lives in Roslyn, a town once dominated by coal companies that has changed little in appearance for nearly a hundred years. Most of Roslyn has been declared a National Historic Site for its frontier-looking storefronts and 19th-century frame housing.

Mr. Heide agreed that the company's plan to cut all its trees in the next 10 years, rather than gradually harvest them as they had been doing, would mean few timber jobs in the future. "Let's face it, the market forces and the threat of stock market take-over won't let us do otherwise," he said. "If you keep a lot of this timber on the books, you're undervalued and you become an easy takeover target."

Around Roslyn, the concern is less about Wall Street and more about what the area will look like when it is no longer covered by vast carpets of forest.

"Land management decisions should not be made because of financial shenanigans," said Ken Bevin, a schoolteacher who is one of the leaders of the campaign to slow the pace of the logging. "They should be made because of what's best for wildlife, for fish, for the long-term health of the forest."

Clear-cutting of up to a square mile in many places, 10 times as large as the maximum size allowed on adjacent national forest land, are evident along either side of Interstate 90. The area is prime playground for downhill and cross-country skiers in the winter and for hiker, hunters, anglers and cabin-dwelling vacationers the rest of the year.

Although Mr. Bevin and other opponents of Plum Creek's logging strategy have expressed concern about what that strategy may do to salmon spawning grounds and to the Yakima Valley watershed southeast of here, government officials say there is little they can do to curb the rate of logging.

In recent meetings with its opponents company officials have promised to keep intact small sections of the forest that surround Roslyn, at least for the time being.

"But we're down to the point now where we're literally fighting over individual trees," Mr. Bevin said.

Originally published in the New York Times, Wednesday, February 15, 1989 and then in the Roslyn Journal

Above: Getting the Cut Out, one of many "Managed" clearcuts on the Willamette National Forest. Reprinted from Wilderness magazine, Spring 1988.

QUOTE: They are felling Oregon's glory, trunk by trunk. The majestic old trees 6 feet thick and soaring 200 feet into the blue northern sky, have stood on these mountains since the discovery of America. Now they are crashing down in record numbers . . . disappearing at an equivalent of 86 football fields a day . . .
The Times of Lynnton, November 1988

APSEEE, Continued from Page 1

Nuts and Bolts

* Submitting items for publication in THE INNER VOICE: Please send us your letters and comments, articles from other journals and newspapers, your own personally-written stories, cartoons, art work, etc. The most efficient way for us to include your material is for you to type it out on an IBM/IBM compatible, mail it on a disk or via telephone (503-896-3985) if you have a modem. Otherwise, anything LEGIBLY written or typed will be accepted! Remember, your anonymity is respected if that is what you want.

On Anonymity

* The INNER VOICE is not an "underground" newsletter. One of the strengths of this organization will be "telling it like it is." I have discussed the idea and our intent to proceed with many people, including Forest Supervisors, Regional and Washington Office Staff Directors, and sent the usual Association flyer to numerous other officials, including the Chief.

* In order to promote maximum participation, while recognizing the reality of the agency's current posture toward "speaking out", you may choose to remain anonymous. If you decide on anonymity, just say so when you submit something for publication. You must include your name, address and phone # to the editor so we can check to make sure you are who you claim to be, but will print the submission with any closing you desire, such as "F.S. Employee in Region X."

The Bottom Line

* We need to hear from you! We need your support, your ideas, your energy. We MUST make this work, because things are not getting better, we are still moving nowhere under the present administration. As a united voice for a new resource ethic, speaking from the inside, we can make a difference! Lets sound a loud message to the upper management and development interests that the Forest Service of the past is being moved out and the new, visionary Forest Service with a new resource ethic for the 21st century

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Speaking Out

A Letter to the Chief of the US Forest Service

Dear Mr. Dale Robertson,

I am writing to you personally because I feel very strongly about the future and health of our National Forests, this Nation, the planet, and the future role of the Forest Service in addressing this issue. I am speaking from my heart, and thus may sound extremely candid. But I feel it is time for all of us, especially within the Forest Service, to start speaking out more honestly on the reality of what we are doing to our forests and the role the Forest Service is going to play in addressing this reality as we approach the 21st century.

Before I get into the heart of my message, I would like to give you some information about myself, so you will have a sense of my experience and perspective, and my credibility. I am currently a timber planner on the Blue River Ranger District of the Willamette National Forest. I have worked for the Forest Service for over 10 years, on four National Forests, in three Regions. I have worked in all aspects of timber management, from sale planning and preparation, to timber sale contract administration. In addition, I was a Peace Corps volunteer in El Salvador and a contractor for U.S. Aid for International Development in Ecuador. My international experience spanned the gamut from working with the problems of deforestation of tropical rainforests in the headwaters of the Amazon Basin, to reforestation and soil conservation projects in the mediterranean climate of El Salvador. This international perspective has perhaps given me an advantage in seeing through the assumptions (blind spots) that many in our agency seem to be burdened with when it comes to seeing the necessity for quick and effective change.

Our basic problem right now is that we (the Forest Service) are much too biased towards the resource-extraction industries, particularly the timber industry. We support their narrowly focused, short-sighted agenda to the point that we are perceived by much of the public as being dupes of, and mere spokespeople for the resource extraction industries. In the remainder of this letter, I will try to explain to you why I believe this is true, give you examples supporting my assertion, tell you what I think we need to do as an agency, and what top management needs to do to move us into the 21st century as leaders of a new resource ethic instead of unwilling participants being dragged along by the chain of 9th Circuit Court of Appeals decisions.

We are over-cutting our National Forests at the expense of other resource values. We are incurring negative, cumulative impacts to our watershed, fisheries, wildlife and other non-commodity resources in our quest to meet our timber targets. This is especially evident in Region 6, on "big-timber" forests like the Willamette, but is also occurring on most other timber forests as well. On every forest I have worked on I can give you numerous on-the-ground examples of "getting the cut out" at the expense of other resource values.

Examples include moving spotted owl habitat Areas (SOHA) boundaries and allowing fragmentation of these areas to accommodate timber sales; exceeding recommended cover/forage ratios on big game winter range; ignoring non-game wildlife prescriptions, such as snag and green replacement tree guidelines; exceeding watershed sediment "threshold values of concern" in areas with obvious, cumulative damage, etc. We rarely, if ever, exceed our objectives in non-timber resources, even though these objectives are set at the absolute minimum we can legally "get away with". These practices are so common-place they are the standard operating procedure. They are the norm, and we scarcely think twice about them, until some concerned citizen or one of our own specialists dares to challenge us and we become indignant at their audacity. At the planning level, we have built our Forest Plans from the "top down" instead of the "ground up". In other words, we have taken the politically mandated timber harvest level and manipulated the Forest Plan data to support the cut level, rather than build the plan up from the bottom, letting the harvest level be determined by sound biological and ecological considerations mandated by our resource protection laws.

A simple example of this took place on one Forest Plan I am familiar with. This Plan used an average volume per acre of 25 MBF, instead of the real figure of 17 MBF per acre determined by the past 6 or 7 years of actual harvest from the "big timber" districts. This was done when it was discovered that the politically mandated harvest level was too high to be biologically supported by the actual number of acres available for harvest at the real volume per acre. In other instances, Forest Plans don't account for reduced timber volume loss via resource protection guidelines built into the plans, for example in green replacement "wildlife tree" prescriptions or riparian protection prescriptions. This builds over-harvesting into the Plan as unrealistically high timber harvest levels are striven for.

In the case of yet another Forest Plan, the Forest has avoided developing adequate standards and guidelines to protect wildlife or assess the increasingly obvious cumulative effects occurring in many of the watersheds, even though there are a few examples of Forest Plans which have adequately addressed these issues. They are avoiding it because they know it would reduce their cut. I could give you many more examples of this from Forest Plans I am personally familiar with, as well as accounts from other co-workers who have encountered similar situations on Forests across the U.S.. I don't mean to point fingers at any particular Forest Plan, but it serves as an example that we always seem to choose to meet inflated timber cut levels in lieu of protection of other resource values.

Other examples of our bias towards "getting the cut out at all costs" include:

1) the numerous ways we find to try to circumvent NEPA;
2) how we view "environmentalists" as our "enemy" in "getting the job done";
3) how we often isolate and pressure our wildlife biologists and other resource specialists to conform and be "team players" so as not to interfere with "getting the cut out". We do this to the point that they refer to themselves as "combat biologists" on many of the heavy-cut forests. And the sad fact of the matter is that the combat they are referring to is with their own supervisors, Rangers, and Forest Management Teams. A final example concerns the recent Record of Decision for the Final E.I.S. for the spotted owl. In this case, we decided to continue our accelerated harvest rates at 95% of the harvest level that would be available if no action were taken! Habitat areas will only comprise 9% of the current spotted owl habitat, and a full 50% of the remaining existing habitat will be open to continued harvesting and fragmentation. This is being proposed in the face of an almost unanimous agreement in the scientific community that the spotted owl is either crashing towards extinction or very close to it.

As an agency, we support and [illegible] publicly reiterate timber industry's smoke screens of jobs vs. environment, jobs vs. owl, and help promote the impression that we will all be living in cardboard [illegible] below some freeway overpass if we don't cut the last grove of old-growth. The disinformation being promoted by the timber industry is too long a subject to get into in this particular letter, so I have taken the liberty of enclosing an additional article I wrote (which you may have already seen) pertaining to some specifics on that particular subject. To put the issue in perspective in a general way, however, we should ask ourselves these questions: Are we, as an agency, going to continue to support the current global epidemic of destruction of our biosphere's ecological diversity and survival, for short-sighted, short-term economic "security"? Are we going to continue to parrot the timber industry's propaganda that turning our National Forests into industrial tree farms is necessary for "jobs", when this very industry exported over 5 billion board feet of raw logs last year from Oregon and Washington alone? Are we going to sacrifice the public's National Forests while private industry liquidates their lands at an unprecedented rate because Wall Street views standing timber as "under-valued" (and a leveraged buy-out opportunity)? We are not talking about tourism versus ugly clearcuts. We are talking about corporate greed versus a priceless national treasure.

The question occurs to me: why are we so biased in favor of the timber industry? I believe it can be partly explained by the homogeneous nature of the Forest Service "culture" which promotes a certain mindset. Some of the characteristic beliefs commonly held by this mindset are:

1) If we just believe we are doing "right", we are right;

2) Two decades of accelerated resource extraction/timber harvest which was viewed as "right";

3) That somehow there are no negative cumulative effects resulting from our accelerated rates of timber harvest because we are doing "right", we "care about the land", and we are all good people working in a respected agency;

4) As long as we "get the job done", and keep producing them things will be O.K., and will somehow get worked out;

5) That somehow we are safely "in the middle" between the two opposing equally-weighted special interest groups represented by the timber industry and the environmentalists; and

6) If we throw enough money at a problem we can "have it all", that all our resource problems are solvable by creative budgeting.

In the interest of space, I don't want to address the fallacy of all of these beliefs here, but I would like to comment on a few of them.

Point 1: The signs of negative, cumulative impacts to our global ecosystems is becoming more and more obvious every day. I don't need to enumerate them here, we read about new environmental disasters every day. We all agree that problems like rain forest deforestation must be stopped. And yet these same symptoms are occurring in our country, in our National Forests. We nightly become indignant over the fact that 50% of the tropical rain forests have been destroyed, but hardly seem to notice that we, as an agency, have contributed to the destruction of 95% of the temperate and near-temperate rain forests of this continent. Replacing an ecosystem as complex and diverse as our old growth temperate rain forests with a monoculture of "genetically improved" Douglas fir is ecologically unconscionable and totally contrary to NEPA, which states that we "preserve important natural ecosystems and maintain an environment which supports diversity". We are currently raising the extinction of this entire ecosystem, as evidenced by the status of our indicator species the spotted owl, by our continued insistence on logging most of the remaining 5% of the temperate rainforests, the bulk of which is on National Forests. And we are doing this in the face of unprecedented unanimous agreement of federal agency biologists that the owl is in fact endangered due to continued logging on public lands.

This stubborn, get-the-cut-out mindset we tend to embrace as an agency blinds us to the actual destructive results of our actions. We see only what we want to see. As the negative impacts of our actions become more and more obvious, we try to pretend it's not happening. And yet at some sub-conscious level we know that we are over-cutting. When I talk to co-workers about this subject, it is almost universally agreed that we are, in fact over-cutting. But most of them fail to make the connection that we, as our agency, are contributing to the global environmental onslaught. I have observed this apparent paradox from sale preparation foresters through District Rangers, S.O. timber staff officers and Forest Supervisors. Most of these people stop short of admitting that we are seriously damaging the resource or our credibility with the public. A few of us do see the global perspective and realize the damage we're doing, but still insist that we can not make the needed changes in our management or resource ethic practices "at this level of the organization", whatever level we happen to be in. Our scotomas are held firm by our mindset. We march blindly on to the tune of continued resource extraction at any cost, and refuse to accept the reality of the destructive results of our actions.

Point 2: We delude ourselves in thinking that we are somehow in the "middle" between the environmentalists and timber industry. The fact that we think the environmentalists have "equal weight" with timber industry as just another "special interest group" is a fallacy. One cannot logically weigh the motives of environmentalists with those of the timber industry. It's like comparing apples and oranges. Timber industry's motive is short term, quick profits, and tends towards short sighted economic gain. They have a very narrow focus. The environmental community, on the other hand, has a long range perspective. They are promoting a vision of a sustainable future, both economically and ecologically. Their motives are altruistic, not exploitative. Unfortunately, we ally ourselves with timber industry and think that the "environmentalists" are somehow obstructing us with their numerous appeals and lawsuits. Industry's disinformation campaign has the public believing that these appeals are frivolous and counterproductive. The fact is, environmentalists are winning appeals and court cases because we have broken the law. The only frivolous action going on is our agency's disrespect for environmental preservation and ecological diversity. We are the obstructionists, in our insistence on promoting the greedy, insatiable appetite of the large corporate timber industry we serve so well.

An even more poignant example of our bias towards timber industries agenda concerns how we react after environmentalist's do win their lawsuits against us. In many instances, environmental organizations have won on principle in court, but end up losing "on the ground", often with our compliance and help. Instead of accepting the obvious merits of their case and rethinking our action or attitudes, we find ways to circumvent the rulings and continue our business as usual activities. Examples include the National Wildlife Federation and Sierra Club Legal Defense Fund's case against the Mapleton District of the Siuslaw National Forest in which they won in court, only to have a congressional rider attached to allow buy-back, and eventually new sales to continue to be sold and logged as usual, allowing us to essentially disregard the court injunction. Congressional riders are being used ever more frequently to avoid judicial review by

concerned publics so we can continue our accelerated timber liquidation program. Another example is the loss of the "Millennium Grove" of ancient Douglas fir on the Willamette National Forest where environmental organizations would have been able to get a court injunction to stop the logging had the Forest Service, in good faith, not waited three days to notify them that negotiations with Willamette Forest Industries had broken down. Other examples of our industry bias include promoting oil and gas exploration and drilling on the Rocky Mountain Front despite the fact that it threatens the grizzly bear; our support of delisting the grizzly on the Flathead National Forest in Region 1 so we can make our timber cut; etc. etc. The point is, we already have the National Environmental Policy Act, the National Forest Management Act, the Endangered Species Act, the Clean Water Act, and other resource protection laws we could use to promote truly integrated resource management on the National Forests, but choose not to. We choose instead to violate the spirit and intent of these laws to do the bidding of large corporate interests.

Point 3: Creative budgeting is not going to solve the resource problems created by over cutting. We cannot "have it all" when "all" means keeping up the furious rate of harvest the last decade has seen on our National Forests, as well as protecting other resource values like clean water, anadromous fisheries, and old growth dependent species. Your recent comment in Eugene at the "Oregon's Forests in 2010" conference concerning "making the pie bigger" simply promotes this fallacy. More money for "mitigation" is no substitute for simply avoiding the damage of accelerated management activities in the first place. We are going to have to drastically reduce the current and planned timber cut levels on most of our forests, or accept continued, accelerated resource degradation, loss of biological diversity, and extinction of many species and ecosystems.

Part of the problem in initiating change, or even making people aware of the need for change in any organization is that the organizational system tends to perpetuate itself by rewarding those who serve the system. The Forest Service is particularly resistant to change since it is such a tight knit, homogeneous family. Those people who believe in the "mindset" and successfully promote system values get promoted to positions of power and authority. The higher you go, the more vested interest you have in the system, and the less likely you will be to actually "see" new problems with the value system which needs changing. Rocking the boat becomes a threat to your own security and value system, as well as the organization's. Once you become part of the system, it becomes difficult for you to change it. That is why we, in the Forest Service, have such a hard time identifying with what the environmentalists are saying. They are threatening our firmly held value system, our mindset, which keeps telling us we are "doing good" - we are "in the middle", we are not hurting the land, we are "caring" for it. All the facts in the world produced by the environmental community can be dismissed as so much propaganda, while timber industry's disinformation is accepted since it supports our mindset. We allow our managers to take some risks, in areas we deem "safe", but we don't violate the major tenet of our faith, which is "get the cut out" (or the AUM's, or whatever product we are managing for). Unfortunately, this often translates into doing it at any cost to the non-commodity resources. I realize I am not telling you anything new about organizations, or the difficulty in changing them. You are struggling admirably with getting change initiated in our work force, promoting cultural diversity by 1995. We are not, however, seeking change as aggressively in our resource value system, which is as important to our mission as cultural diversity within the workforce.

When I talk with co-workers about the need for change one of the most often used excuses for not trying to initiate change in the system is the feeling that "we can't effect change in how we manage the resources at this level, Congress must do something." I have heard this from people who work at many levels in the organization as I said before. The truth is, we have all the necessary legislation and legal authority right now to move towards a new vision of truly integrated resource management. The fact that our actions are so often appealed, and that we have lost so many of those appeals in court should have made it obvious to us by now that we are often times simply not meeting the letter or spirit of NFMA, NEPA, the Endangered Species Act, and other resource protection laws already available to us. The sad fact is we have chosen to avoid the opportunity to become leaders in a new vision of truly sustainable, rational resource management. We have the legal authority, the personnel, the research facilities, the facts and data to promote and make the needed changes to our value system, and the way we manage our forests. We could be taking the lead on the "moral high ground" , forging an alliance with the world-wide environmental movement, instead of being associated with trying to maintain the excessively exploitative practices of the past. We should be associating ourselves with the long range, holistic, and altruistic motives of the environmental community, which are more in line with our mission as a public resource management agency than the short sighted, narrowly focused motives of the timber industry.

The "realists" would have us believe this kind of a change in values and practices would not be wise, that it would alienate our traditional power base (the resource extraction industries) and we would lose our support. It would certainly be a major confrontation, but it is something which has to be done. The time is right for this type of realignment. We could generate support with the public and the world-wide environmental community. The time is now for a fresh start with a new administration, to assert a more rational, conservative, sustainable environmental philosophy. We need to have the courage to move away from our past which placed the political expediency of resource extraction at any cost above resource protection, ecological diversity, and truly integrated resource management.

I would like to list a few specific actions which I believe we as an agency could do to help start initiating the needed changes within our organization. We should:

- Encourage ideological diversity and support the existing "agents for change" currently within the organization, like our wildlife biologists and other specialists.
- Support those courageous managers who are willing to risk their careers and take on the power base in order to promote the new vision, men like Tom Kovalicky, Supervisor of the Nez Perce National Forest.
- Insist on absolute support of the spirit and letter of our resource protection laws with as much energy as you have supported cultural diversity in our workforce.
- Support lowering the existing and planned timber harvest levels substantially throughout the National Forest System. Demand a moratorium on any new development of currently unroaded areas, as well as any harvesting in old growth until we have done a thorough ecological inventory of our lands. In the meantime, if we are worried about jobs, let's support a ban on ALL exports of logs, cants, chips, etc. from ALL lands, public and private.
- Let us start erring on the side of resource protection instead of resource extraction. Let's go to court defending the environmental "moral high ground".
- Support Forest Planning from the "bottom up" rather than the current "top down" approach.
- Demand realistic, specific, and meaningful Forest Plan standards and guidelines which truly protect other resource values, and accurately display the inevitable cumulative effects which will occur if the currently inflated timber harvest levels are actually implemented. Again, the Nez Perce plan is the best example of good standards and guidelines I have seen, and the Willamette's Draft Plan is good example of what we should be avoiding.
- Have the courage to aggressively move our agency away from the political expediency of the past in our alignment with the resource extraction industries. Move away from the philosophy of constantly expanding the exploitation of our resources which has/is/will result in unacceptable, continued resource degradation which we can no longer afford, and
- Forge a new resource ethic by publicly endorsing an alignment with the world-wide environmental community, aggressively endorse the search for a sustainable future, and demand an attitude change to move our agency away from its current perception that the environmental community is the "enemy" in "getting our job done". We must start perceiving the environmental community as our allies in moving towards an enlightened, ecologically sane 21st century.

In summary, man's greed, ignorance and the political expediency of the past is directly responsible for the deteriorating condition we find our planet in today. Our ecological knowledge has now improved to the point that ignorance is no longer an excuse for our actions. It is unproductive at this point to try and fix blame between North and South, environmentalists and industry, good guys and bad. It is time for us all to accept the fact that change is needed, and needed now. The unfortunate truth is that future generations, if there are any, will look back at the last few decades of our history with a mixture of amazement, incredulity and disgust that we allowed such an unprecedented slaughter of our natural ecosystems during the era of massive exploitation for so little real long-term value. Wouldn't you like to be able to look back and say the Forest Service was a world leader in the quest for a new vision of a truly sustainable society for the 21st century?

Because this new vision is so important to me, I am sending copies of this letter to some members of Congress, as well as selected Forest Supervisors and Regional Foresters. I am doing this in the hope that, as a concerned citizen this letter will have maximum impact for change.

Jeff DeBonis,
Willamette National Forest Timber Sale Planner

Truth and Weyerhaeuser Truths

by Russel Sadler
Television Commentator and Journalist

The Weyerhaeuser Company is warning employees in its Springfield mill that it may close by late May. The company blames lawsuits to protect the Spotted Owl.

From our "How The Mighty Have Fallen" file comes the news that the giant Weyerhaeuser Company will close its Springfield mill because it cannot buy enough logs from public land to keep operating. As usual the scapegoat is the spotted owl.

If the owl weren't the excuse, Weyerhaeuser would have to invent one. The law suits to protect the spotted owl are just the straw that broke the camels back. Weyerhaeuser's log supply problem has been in the making for a decade. Once the pride of the timber industry -- the showcase example of sound long term forestry -- Weyerhaeuser's bean counters persuaded the company in the mid-1970's they could make more money if they liquidated their old growth forests on the export market and invested the profits in real estate and the money markets.

Weyerhaeuser's Coos Bay mill is shut down, but there is no shortage of logs. There is standing timber on its Millicoma tree farm. There is a railroad that could bring those logs to the Springfield mill. But it won't happen because weyerhaeuser can get three times the price selling the logs for export than they can get domestically. Like Champion International and Georgia-Pacific, Weyerhaeuser liquidated its old growth -- exported much of it, and now demands timber from federal forests to keep their mills open.

This puts the timber giant in direct competition with smaller mills that own little or no timber of their own, and depend on the federal forests for their log supply. This increased demand increases prices and pushes out the less efficient mills, large and small. The lawsuits over the spotted owl have just accelerated a trend that would close these mills sometime in the next couple of decades anyway.

The timber companies operating in Oregon have cut more trees in the last 40 years than the industry cut in the first 120 years of its existence in this state. They have helped themselves to their generation's share of natural resources and several other generations' as well.

That is what the spotted owl is trying to tell us and the industry should not be surprised when the public finally catches on to what is happening to their future.

And, from another Forest Service Employee:

People for Ecological Awareness and Conservation Ethics is a group of people concerned about our environmental quality of life. P.E.A.C.E., a non-profit networking association, encourages people to share ecological and conservation ideas, knowledge and information. The philosophy of P.E.A.C.E. is: one individual can make a difference, and together we'll create a better world for us all.

For information, write: P.E.A.C.E., Kimberly Mitchell, P.O. Box 122, Elk City, Idaho 83525.

The Power Force: Stories from Planet Earth

In Celebration Of Wilderness

By Michael Frome

(adapted from remarks at a conference on public lands sponsored by The Wilderness Society, Washington D.C., April 12, 1989)

For all of our public lands, wilderness in particular, comprise the most priceless possessions we Americans share as a people. No other country is so enriched by its parks, forests, wildlife refuges and other reserves administered by towns, cities, counties, states and the federal government. Land is wealth, and we the people ought to hold onto every acre of it in the common interest. Public lands provide roving room, a sense of freedom and release from urbanized high-tech super-civilization. Without public lands there would be no place of substance left for wildlife, which has shared our heritage since time immemorial.

Yet no administration in my lifetime, and quite possibly none in the long history of the Republic, has manifested greater antagonism and hostility to the principle of public land than the recent administration of Ronald Reagan. He came to Washington as a self-proclaimed Sagebrush Rebel, surrounding himself with a band of anti-federal zealots like James G. Watt, determined to dismember and "privatize" the federal estate.

George Bush led us to believe that his administration would be different. I felt cheered when he introduced the environmental issue into the 1988 presidential campaign, pledging himself to be an environmental president in the tradition of Theodore Roosevelt. Those words were easy, however. Except for the appointment of William Reilly as administrator of the Environmental Protection Agency, we see a continuation of the Watt-Hodel-Crowell-Arnett-Horn-Burford policies, programs and personnel. Bush & Company may speak of excellence, but the administration has given us a shallow, ill-informed Secretary of the Interior, plus a rerun of the Reagan wrecking crew, with virtually everybody of the old crowd on board except Ann Gorsuch. I congratulate The Wilderness Society and the other conservation groups for their emphatic opposition to the appointment of James Cason, one of the anti-public-lands supernumeraries, as Assistant Secretary of Agriculture in charge of national forests.

The Forest Service is in bad enough shape already. It has lost its way as a professional agency. I speak with many retirees and personnel in the ranks. They are deeply distressed with the lack of courageous leadership and direction from their own leaders. Little remains of the spark and purpose once evoked by Gifford Pinchot with bold ideas and expressions, such as: "The earth belongs by right to all its people and not by a minority, insignificant in number but tremendous in wealth and power." The Forest Service under Pinchot achieved its reputation for square-shooting and fearlessness in a system then--as now--constipated with bureaucracy, bungling and timidity. "It is the honorable distinction of the Forest Service," Pinchot wrote; "that it has been more constantly, more violently and more bitterly attacked by the representatives of the special interests than any other government bureau. These attacks have increased in violence and bitterness in proportion as the Service has offered opposition to predatory wealth."

I wish that "honorable distinction" was being earned anew, yesterday or today, but no such luck. The Forest Service is out of touch with the environmental age, out of touch with the idea expressed by Senator Hubert Humphrey in connection with the National Forest Management Act of 1976. "The days have ended when the forest may be viewed only as trees and trees viewed only as timber," Humphrey said. "The soil and water, the grasses and shrubs, the fish and the wildlife, and the beauty that is the forest must become integral parts of resource managers' thinking and action."

The Forest Service is out of touch because, I fear, Chief Dale Robertson himself is out of touch. He believes that all goes well with business as usual in the same old way. He likes to call the Forest Service "the number one supplier of outdoor recreation in the United States," as though numbers count most, when the truth is that his outfit has been doing a poor job in recreation. Recreation for years has come in last, in funding, and in status up and down the line. The chief talks about a new priority in recreation, which may sound promising on the face of it, but, in fact, decision-makers in his agency time after time follow a course of roading and logging that utterly eliminate choice recreation sites from the national forests.

Chief Robertson now speaks about furnishing "all-American recreation experiences," specifically with more roads for motoring and more ski slopes for downhill skiing, with scant concern for the impact of these activities on the resources. The chief is playing a dangerous game, endeavoring to find public support by appealing to the lowest common denominator of public taste, inviting a gross misuse of public lands.

During 1987 the Forest Service established an internal task force to review its recreation program. The outcome was a highly publicized new recreation initiative, or strategy. Soon after, it became clear there was more to it than traditional wildland recreation. In late 1988 several friends and I constituted ourselves as an ad hoc Committee on National Forest Recreation, expressing in an open statement particular concern with potential arrangements for "partnerships" resulting from the recreation strategy and the potential for inappropriate uses and for privatization of public lands.

One member of our committee was Zane Smith, a former regional forester, who retired after directing the National Recreation Strategy Project and felt dismayed on seeing the implementation go sour. "I sense the Forest Service is now trying to satisfy too many conflicting interests," Zane warned. "That may work for a while, but will doom us to failure in the long run."

Another member of the committee, William A. Worf, spent many years before his retirement working on recreation and wilderness programs in the field and in Washington. Bill wrote: "While National Forests offer special opportunities for 'wild land' or 'resource-based' recreation, the signs I read in the implementation of the new Strategy indicate a willingness to make National Forest land available for 'facility-based' recreation, including swimming pools, RV parks, water slides, or anything else that generates visitor numbers showing the Forest Service as a 'recreation agency.' If the present 'partnership' attitudes persist, I foresee commercialization of designated wilderness."

That course, I fear, is already underway. On March 15 1989, Representative Bruce Vento, Chairman of the House Subcommittee on National Parks and Public Lands, addressed a serious letter to Chief Robertson, following an extensive review by his committee of national forest wilderness management. Representative Vento cited these findings:

"Many national forest wilderness areas are being damaged. Trails and campsites are suffering from inadequate planning, construction, maintenance, reconstruction, and rehabilitation. Meadows are being overgrazed by ranchers and outfitters. Inappropriate 'privatization' through campsite reservations and quasi-permanent facilities is being allowed. The public and even agency personnel are conducting activities inside wilderness boundaries that are in violation of the Wilderness Act."

The central issue as I see it is not management, but the values sought through public policy and defined by it. Land use embodies both science and philosophy, but the philosophy is more important by far. It must come first, based on love of the earth and respect for all creatures with which we share it. How to utilize wilderness, and public lands in general, as an educational and inspirational resource so that oncoming generations respect the natural world is the fundamental challenge as we look ahead to the next

The Sounds Of Silence

Excerpts from an interview by Laura Hogan, New Age Journal, March/April 1989

For Dominican priest Matthew Fox, the ax finally fell last October, when the Vatican's Congregation for the Doctrine of the Faith--formerly known as the Holy Office of the Roman Inquisition--ordered the outspoken theologian silenced for one year.

The Vatican's gag order came as no surprise....Fox has over the last eighteen years churned out twelve books, many of them detailing his view that the Catholic Church as it now stands is sexist, ethnocentric, anthropocentric, [and] undemocratic....His prescription for this sad state of affairs is a new brand of Catholic thought called "creation spirituality," a uniquely Californian blend of Catholic mysticism, feminism, and environmentalism.

Q: The word "Spirit" is going to be a stumbling block for a lot of people. This is a very secular society, after all, and many people feel there is no longer a place for religion in modern life.

A: Paul Ehrlich at Stanford University has done a lot of work on what he calls "the extinction spasm of our time," the disappearance of species all over the planet. He writes, "Curiously, modern science points to the need for a quasi-religious transformation of the species." That's what we're trying to do: recover our sacred connection to the porpoises, whales, waters, and rain forests. I believe, for instance, that one of the reasons we're allowing six billion tons of topsoil to be raped from our country each year is religion.

In Western religion we have this notion of theism--that God is "out there" somewhere, while the soil is just sitting here. But in my tradition of the Cosmic Christ, the soil itself is divine. Everything has divine power in it. We cannot just turn it over to the multinational agribusiness conglomerates to destroy. The same is true of rain forests. So you see, recognizing the sacredness of the planets is at the heart of planetary survival.

Q: In other words, an ecological spirituality is the gap between religion and science.

A: Exactly. The split has had such tragic consequences for our society. Science is six minutes from blowing up the world because it went the way of discovering the power of the universe, but without conscience or the sense of justice and morality that religion traditionally provides....

Q: We're coming up on the millennium. The millennium last time around was a thrill and a half. I wonder if you have any predictions for this one.

A: I don't think we've ever, as a species, faced such a showdown as we're involved in today. Thomas Berry says we need to reinvent the human and that the times in which we're living are no less significant than the movement from nonlife to life on this planet billions of years ago. There's no question about it. The direction we're heading in is not only suicide for our species, but ecocide for the rest of the planet. All the decisions that are going to be made in this generation are going to be irrevocable.

Still, I'm hopeful. If you look at human history, you realize that the human race changes only when it has to. I don't know that we've ever had to change more thoroughly than we have to change now. I think we're in the process of outgrowing anthropocentric ideologies. The environmental movement is moving us beyond that. There's no such thing as an Anglican river, or an atheistic ocean, or a Roman Catholic rain forest, or a Buddhist corn field.

All of this is a challenge to our religious and political consciousness. Those who are invested in both, of course, are going to resist this challenge very strongly, but those who are disenfranchised--the vast majority of the human race and all other species--have a desire for a spiritual awakening and a change of ways.

The Cosmology of Matthew Fox

Are We Really Stewards of the Planet?

Stewardship is a Protestant category for ecology that is certainly better than nothing. It's a start. However, I agree with the criticism that it's too anthropocentric. It say, "We are stewards, and we're going to run the show." The fact is, we've been running the show--and look what we've done. Now we have to do some listening.

Consider that the whale has been around fifty-six million years longer than humans. I think it's time to start listening to our elders. We're not the steward of the whale. The whale may have something to teach us.

There are better categories than stewardship for the ecological issues. Wisdom literature in the Bible says that God's Spirit fills the whole world, meaning the whole universe. That has to be meditated on. It's a much better image than stewardship.

Now, notice it doesn't say it fills just the baptized Christians. God's Spirit fills the whole world. It works in whales, in dogs. It's blowing that tree over there. It works in the whole universe. We have to join this community of interconnectivity that is God's creation. That, I think, is the starting point for ecological issues. First, we celebrate creation. Then we ask, where is creation, where is creation being wounded, and what can we do about it?

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live with the facilities we now have." I feel confident that when able professionals effectively communicate the needs of the resource itself Americans will accept the discipline of restraint and limited use -- thus reversing the trend of deterioration and degradation.

Places of scenic beauty do not increase, but on the contrary are being reduced in number and diminished in quality. Our responsibility is to see that future generations enjoy the same opportunity accessible to us for solitude and the same sense that nature, rather than humankind, prevails.

We as trustees of rocks and rills, of wooded tempted hills, of the heritage embodied in the Wilderness Act of 1964, need consciously to advance love of the beautiful as a principle through the body politic, through private and public institutions and the professions, so that life may be more elevating and so that Americans may love their country more devotedly the more lovable it is made.

Yes, I can adapt that idea into the practical. "Reasonable land stewardship includes the protection of soil, water quality, and fish and wildlife habitat," Dale Robertson declared in 1974 when he was supervisor of the Siuslaw National Forest in the Northwest. "Short-term economics will not override long-term needs of high quality land management."

The time is long overdue to apply the principle of stewardship, real stewardship with sense of mission, not only to national forests, but to all public lands. Let us memorialize the Wilderness Act and its anniversary with this goal and determination to

Doing it Right!

What would you say about a Forest Supervisor who: Was nominated for the 1988 Chevron Conservation Award, one of the nation's most prestigious conservation awards, by the Idaho Wildlife Federation? Was awarded the Idaho Wildlife Federation's 1988 Conservationist of the Year" ? Was awarded the Idaho Preservation Council's "Orchid Award", for the restoration of an historic landmark? Whose Forest Plan was considered so well-balanced that environmental organizations made it known that they would testify on behalf of the plan if industry appealed it?

Most people would say this is not the "run of the mill" Forest Supervisor, and they would be absolutely right. In addition to winning awards from the conservation community, Tom Kovalicky and the Nez Perce National Forest staff have received numerous in-house awards from the Regional and Washington Office levels, for such things as: "exemplary effort and initiative in grasping opportunities to further the wildlife program on the Nez Perce and in Region one", "outstanding work in support of the Region's fisheries program", "outstanding leadership in public coordination and wildlife habitat management", and the USDA Superior Service Award for revitalizing and strengthening the Forest Service Fisheries Program.

Things were not always this rosy for Tom, however. In 1987 and 1988, the years he was receiving accolades from the conservation community, he was getting intense pressure from timber and mining interests through the hostile and powerful Idaho congressional delegation, Republicans Steve Symms and James McClure. They wanted to arbitrarily raise the cut in the Nez Perce Forest Plan by about 20%. The other Forests in Northern Idaho caved-in to this pressure, Tom stood firm. The predictable intimidation tactics by the timber industry followed. For example, they put pressure on Tom's superiors via McClure. Tom was called back to the Regional Office by then-Regional Forester James Overbay. Then he was called back to the Washington Office for "consultation" with McClure and his staff. Most of us on the Nez Perce Forest at the time were not privy to what took place at these "consultation" meetings, but were fearful that Tom's days were "numbered." Either that, or he would be forced against his will to raise the cut. But it soon became obvious that Tom had stood firm, and hadn't given in to political pressure -- the Forest cut didn't go up.

In my opinion, what Tom did was extremely significant, especially at the level of Forest Supervisor. He risked his career and withstood heavy political pressure, both from within the agency and the outside "biggies", by promoting a more enlightened resource ethic through a Forest Plan which did more than just give lip service to integrated resource management.

There is another important point in this story, and that is HOW he was able to withstand the pressure while neighboring Supervisors were succumbing left and right. Tom built up a strong rapport with many segments of the conservation community. He aggressively cultivated this non-traditional power base, because he knew his agenda, the Forest's agenda, was more accurately represented by this segment of the community than our traditional "allies", the resource exploration interests. And the best part about the whole story is it worked. Tom's power base is now apparently stronger than ever, as evidenced by the number of awards the Forest has been receiving lately from the Regional and Washington offices. The Nez Perce Plan is acknowledged by numerous resource professionals inside and outside the Forest Service as the "state of the art" when it comes to wildlife and fisheries protection and integrated resource management.

The bottom line is that we can move this agency towards a new resource ethic. Sure, it will entail some risk and occasional failures, but with all of us standing up and speaking out, together we can and will prevail. There are mavericks out there now doing it. They are leading the way. Let's join them!

JND

Professional Solidarity With Agency Biologists

by Chad Roberts

A few weeks ago I had a conversation with a biologist colleague who works for the Forest Service. He told me about an historical incident that occurred a few years ago in the Pacific Northwest, involving a Forest Service biologist who followed his professional conscience and sided with several local conservation groups in an environmental dispute. The biologist subsequently got into trouble with the Forest Service and felt that it would be a better and easier life if he didn't work for the agency anymore. The response of the environmental groups was reported to be an expression of regret, but that there wasn't much they could do about the situation; "too bad, so sad...."

It is apparent to me that there is a great potential for similar situations to arise in California, where a biologist who works for a federal or state agency could incur the ire of agency policy-makers for siding with an "environmental" position that happens to be closer to his or her professional opinions than are the agency's formal positions, but which agree with our own professional opinions. If such a situation does occur, it is clear to me that it would be a serious mistake for the conservation community to abandon that person to whatever fate is decreed by his/her agency superiors. There are at least two reasons for this.

The first is that we would risk having every other professional staff person who works not only for the agency in question, but for all other agencies, determine that siding with conservation-group positions is not healthy or conducive to long-term employment. If that happened, we would lose what is probably the most effective means available to us for changing the way that the agency in question approaches decisions related to conservation issues; namely, people on the "inside" who know that our positions are correct. The second reason is that abandoning to his/her fate any professional who states a position on the basis of his/her professional tenets is ethically wrong.

I propose that the "environmental" community adopt a policy that we will side with, and do what we can to protect agency staff professionals who may incur the wrath of their superiors for stating considered opinions at variance with formal agency positions. It's clear to me that such professionals deserve our support as colleagues, whether or not we hope to gain from their statements as conservationist. In return for whatever help we can provide, I will expect that agency professionals will adhere to the standards of their professions, whether or not those accord with formal agency positions.

Reprinted from the April 1989 issue of The Steelhead Fly, the monthly newsletter of the Redwood Region Audubon Society. Not copyrighted.

The Maverick Forester Of The Nez Perce

by Bill Loftus

excerpted from an article in Western Outdoors, February 1989

"[Forest] Supervisor Tom Kovalicky can see the forest and the trees in his controversial plan to improve Idaho's salmon and steelhead fishing." Kovalicky is an avid steelhead fisherman. Admirers and critics alike say his interest in steelhead and salmon extends beyond personal to professional. Because of that focus, the economic backbone of Grangeville, Idaho, where Kovalicky supervises the Nez Perce National Forest, and surrounding communities has suffered, the critics claim.

Those critics sometimes are in high places. In a year he has twice drawn direct fire from a U.S. senator with a firm grip on the purse strings of the U.S. Forest Service. Kovalicky is undaunted. "I'm just doing my job," he says.

But with few exceptions, his critics say their complaints with the supervisor of the 2.2 million-acre national forest are nothing personal. Kovalicky, they say, is a different kind of animal. He is a politician adept at gripping and grinning with the best of them as he moves through the crowds who took to the Nez Perce National Forest for their livelihood or their leisure.

But one kind of animal Kovalicky is not, say his most ardent supporters, is the timber beast that normally rules the fiefdoms called the national forests. Kovalicky has carved out a niche among conservationists as a U.S. Forest Service line officer who can see more than the trees in the national forests. It is an image Kovalicky has cultivated. Invited to speak at a meeting of the American Fisheries Society's Idaho Chapter, Kovalicky gave the crowd the password, introducing himself as the supervisor of the Nez Perce Anadromous Forest.

It is that focus that supporters say sets Kovalicky apart from other forest supervisors in Idaho and elsewhere. A fact sheet prepared by the forest staff crows about the Nez Perce fishery program. It describes "why the Nez Perce National Forest has one of the largest fish habitat improvement programs in the nation, and why we are considered to be in the forefront of planning and implementation of fish and wildlife program concepts."

"I believe him," said Mitch Sanchotena, spokesman at Boise for Idaho Steelhead and Salmon Unlimited. "The guy is doing a great job." If anything, Kovalicky has not received the support from conservation interests he deserves, Sanchotena said, "because he is really sticking his neck out a long way for anadromous fish. "And we need to tell him we appreciate that and his new outlook in forest planning," Sanchotena added. Sanchotena is joined in his praise by Elliott Moffett, Nez Perce Tribal Executive Committee secretary at Lapwai.

Moffett said Kovalicky has been genuinely concerned about managing all the resources on the national forest. That also goes for his relations with the tribe. Bert Bowler, Fish and Game regional fishery manager at Lewiston, works closely with Kovalicky and his staff. Bowler is more th ar with his praise. "I think he's one of the best forest supervisors I've worked with." The difference, Bowler said, is Kovalicky pays more than lip service to fish, wildlife, and recreation.

"For a long time anadromous sort of got the short end of the stick. I think we're seeing a turnaround and Tom certainly was part of that turnaround," Bowler said. The Idaho Wildlife Federation thought enough of Kovalicky and his staff to nominate them for a 1988 Chevron Conservation Award, one of the nation's most prestigious conservation awards.

The federation also honored Kovalicky as it conservationist of the year at its April convention. Federation president Kent Henderson at Lewiston sees Kovalicky as a leader among the forest supervisors in Idaho. "I don't feel he's given everything we want, but then I don't think he's given the industry all it wants," Henderson adds.

The latter part is definitely an understatement, according to timber industry executives. Richard G. Bennett of Bennett Lumber Company, which operates a major mill near Elk City, gives Kovalicky this much credit: "I think he's trying to do a good job." With more than half of its acres classed as wilderness, the forest has already given its share, Bennett says. Congress intended that the rest of the forest provide timber. That's how the timber- industry feels, Bennett said. "And apparently Tom Kovalicky doesn't agree with that. We don't think he's right but that's his opinion."

Kovalicky is typical of the Forest Service today, Bennett added. Its employees are coming out of colleges that are different from 30 years ago. Just as on campuses, attitudes about wilderness and backpacking and similar pursuits have changed. Kovalicky has decided in his own mind, Bennett said, that those sorts of things are more important than timber. "That's fine, but it doesn't allow the area to grow and prosper," Bennett added. The industry believes the Nez Perce could yield twice the timber allotted in the 10-year management plan Kovalicky oversaw. "I think he has chosen to side with environmentalists for reasons we don't understand," Bennett said.

What sets Kovalicky apart from the rest of the Forest Service supervisors is his candor, said Dennis W. Baird, of the Idaho Environmental Council at Moscow. Although other forest supervisors don't lie in answering a question, neither do they give a full answer. Kovalicky does, Baird said.

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SOME OF YOUR COMMENTS

The responses to Jeff's questions concerning a morale problem on old growth and its effect on Chief Dale Bosworth's two trees overwhelmingly. Most (over 200 letters) have obviously made it all across the country (both inside and outside of the Forest Service). We have responses from over 200 citizens, private calls, and messages from Forest Service employees (active-duty, or ex-organizational crews), in favor of what we are trying to say and do. We want to thank all of you for your interest, comments, and offers of assistance. It is wonderful to hear from you. THERE ARE A LOT OF US OUT THERE! Some of your comments follow:

"A copy of your letter just got across the mountains and we are glad to see there are apparently others in the Region who have similar feelings as myself. Your letter reflects genuine concerns and proposals a few areas I have also been trying to expose within the organization." A TMA PLANNER

"I was given a copy of your letter to ancient forest activists. I was very intrigued by your ideas and pleased to find out that there are other people out there in the Forest Service who would like to shake up the organization from within. R4 FORESTER

"I am an early (ex) [Forest Service] retiree, with major FS reform as my agenda issue. Hell (for me) I sold (ran) the agency and still cling to the hope they can re-discover their roots and again serve the public interest.

To me the first step is as simple as, and as difficult as, forcing them to produce full disclosure EAs... I feel an ethic and mission in the agency that we will reward the professionals who stands against the flow and makes targets with WELL DOCUMENTED, PROFESSIONAL, BIOLOGICAL DATA. I will stop to emphasize that there is no room for size of the pants measurers." R1 FOREST SERVICE RETIREE

"Thank you for speaking out. It is truly heartening to hear from people like you from within the Forest Service. I give a good portion of my life to monitoring National Forest activities in northwestern California. In my dealings with the Forest Service, I feel that some really fine people who are competent and dedicated to the multiple values of the Forests. But I must also say that it is extremely discouraging to see how well an unimaginative agency administered to producing timber almost at any cost." OFFICER, REDWOOD CHAPTER, SIERRA CLUB

"It is about time the Forest Service becomes responsive [to] more than timber." NORTHEAST REGION, NATIONAL AUDUBON SOCIETY

"I share many of your concerns, which has been [so] since I am an economist. [Initially] myself an armchair biologist [as] and recently joined the Izaak Walton society for conservation [but I could not with good conscience]. It is called the "International Society of Ecological Economics" and seems to be attempting the type of integration of the disciplines that was [I] [would] talked about in "A Sand County Almanac." " [?] ECONOMIST

"[I] think that as part of an organization who is supposed to support and protect renewable and non-renewable resources, I refer to myself as a subversive ...but it does my [spirits] good to [see] SCRAMBLING AROUND for [3 years trying to get Natural Resources protected] like I'm sent as belonging to a renegade shop. A storm in a cup of coffee.

I know the overall bureaucratic consciousness is slowly changing, but in the meantime, it is the short term [it] devoted all things enviro to folks such as yourself who work down-home VISION ...and don't face a folks [sent] [] home.)

"Ultimately, I think of it all as trying to get someone to quit smoking. The [first] person is kicked out on the table, even though the facts on a longer healthier existence are well known and obvious. I also have great faith in our ability to come [with] the anti-detachment to advertise all our values and priorities as a culture.

I sincerely hope your words convince to go folks checking and [debate again] to swing." R3 ARCHEOLOGIST

"I appreciate your efforts in reporting the news that the environmentalists hold no [one] side of spotted owl are to blame for the decline of the timber industry. I [share] feel that the agency needs to [caution] to change as integrated resource manager that cares about long-term ecological health of the National Forests that belong to all [us]ers. Thanks for caring." R6 FOREST SERVICE EMPLOYEE

"I can't believe a Forest Service employee has felt comfortable to write this. I agree wholeheartedly and appreciate your candor. Where do we put the kool practices?" R4 FOREST SERVICE EMPLOYEE

"We need to take a more ethical and moral approach to resource management not only for the good of ourselves but also because we owe it to future generations....A speech on Environmental Ethics and Long-term Management of Fishery Resources at the annual meeting of the DR Chapter, AFS, was a tremendous success (even [except] when I objected) and the response of people was overwhelming. So many people were relieved and excited that there were others out there who cared as much about ecology and moral obligations as they do about economics and politics....I realize you are probably not a popular person in certain circles of the Forest Service but I can assure you there are a lot of people, including oneself... who admire your courage for making this statement and believe you should feel very good about having done it." R6 FISHERIES BIOLOGIST

"We are fortunate you have the sacrifices guts to write it and send it to the source of the problem. Bureaucratic politics has wrecked the previous Forest Service from roots to crown." A CITIZEN ACTIVIST, WASHINGTON

"I believe the Old Growth 'Gift' given to the Forest Service for stewardship requires more than just a 2x4 look." R4 FOREST SERVICE EMPLOYEE

"I have lots of support for your revelations from within the ranks. You may just be able to pull off some positive energy that can help the [with]... now weigh biggest contributors can be overcome and not blowing down to the poor and overdrawn resources of the past. Somebody has to break [against] in your level to get the message forms and [between]." R1 LINE OFFICER

"The 'Inner Voice' is louder than many would believe..." R3 SILVICULTURE

"I doubt I'll be with the Forest Service much longer. The opinion makers to changed in a short time. I'm thinking of resigning at present's end." R6 TIMBER SALE PLANNER

"...I can relate [to] to [why the FS misinforms and is ludicrous, unmanageable] based agency. Every week I started working for the FS, district rangers have told me the cut is too high, and then can I do it without great cost to the ecosystem and environmental damage. But the targets remain and the performance standard continue to [raise or lower]." R4 STAFF OFFICER

"It is time we all get together." R6 FOREST SERVICE EMPLOYEE

"My deepest congratulations on having the strength to speak out and say what most all of us planners are thinking." R4 TIMBER SALE PLANNER

"We are too closely tied to commodity forest uses and it is time that we recognized it." R4 BIOLOGIST

"I really applaud your efforts to stop the [rush] enslaved to people and make up and open their eyes." R1 BIOLOGIST

"What the hell--go ahead and send me some more info...Maybe [start] a topic." R1 FOREST SERVICE EMPLOYEE

"We need a forest [such] as the [state] Waste to push our strengths, promote a vision and fight off [frustrations]. Your courageous overcommitment a truth alternative and demands [others]." R3 FOREST SERVICE EMPLOYEE

"I get very angry with people [in] back [to] the real reasons why they want to cut, a hidden agendas or [new] prescriptions. There are many [silviculturists] that are doing just that, cutting...just to make the targets and make a good performance rating for themselves or Rangers." R4 SOIL SCIENTIST

"Your affirmation of what many Forest Service professionals feel gives me hope that [real] changes may continue. I know of many people who feel similarly, though few are willing to take a stand." R4 TIMBER SALE PLANNER

"We need all of the voices we can muster in the [effort] in the organization to build a consensus for the [past]. The window of opportunity for new ideas, adoption of conservative policy which understands the long term, ecological, economic, and political benefits that are associated with [proper use of natural] renewable resources. If we can begin to bring about an understanding of respect for the land and forest perhaps we shall provide a value that can last and in passing the scars we have [hidden upon her bosom]." R4 BIOLOGIST/ECOLOGIST

"I am your [Goodness following the Ancient Forest Seminar and was [glad] that you had the courage [or whatever it is] to speak your views. Just now I am even more excited about "The Inner Voice". We can make a difference!" R4 TIMBER SALE PLANNER

"QUOTABLE QUOTES"

"When does [management] ask me to be a "team player" I tell them I AM a team player, and that they are welcome to join us on the team we've been [on] [for] years at the U.S. Forest Service, and the Willamette [National Forest] Division of Wilderness Forest Products." Region 6 veteran "combat biologist"

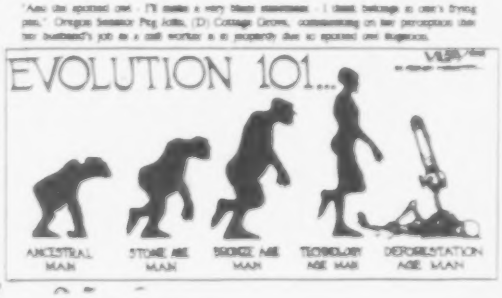
"Despite our differences with the Forest Service, we'd prefer to see all the BLM forest lands given to the Forest Service to [manage]." Wendell Wood, Oregon Natural Resources Council spokesperson commenting on the recently leaked BLM report concluding that consistent logging of old growth forests would endanger the survival of the spotted owl.

"If they go for [this again], I hope they get [sued]." A planning resident reacts to a Portland [employee] after President Reagan was shot. She was fired, [was] reinstated after the Supreme Court decided she could not be fired for exercising her constitutional right of freedom of expression.

"Either you [forest managers] learn to play a new game, or kids no kid going to be playing the game anymore." Forest Commissioner Jerry Franklin, commenting on a recent old growth workshop on the need for creative new ways of managing our nation's forest lands or be eliminated out of the game.

"In light of the fact [that] Mr. Dellenback feels the agency is an advocate for the timber industry and [that] times has [not] changed, and reclaims the "rooster has] ground" a former representative [is] more vitally necessary." Troy Rendahl, Executive Director, Douglas Timber Operators, in a letter to the Willamette N.F. Supervisor urging disciplinary action be considered for writing and distributing a memo on an old-growth conference Dellenback attended which was critical of timber industry.

"Aren't the spotted owl - I'll make a very basic statement. I [have] belonged to one's flying pass," Oregon Senator Peg Kafka, (D) Cottage Grove, commenting on her perception that her husband's job as a mill worker is in jeopardy due to spotted owl litigation.



U.S. SENATE,
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC, November 1, 1989.

MR. BROCK EVANS,
Vice President—National Issues, National Audubon Society, Washington, DC.

DEAR MR. EVANS: Thank you for testifying at the Agriculture and Energy and Natural Resources Committees' hearings on the National Forest Management Act. Listed below is a followup question that we would like answered for the record by November 18.

1. The NFMA requires what seems to be very responsible wildlife guidelines. That is, in each national forest a certain number of so-called indicator species are selected that represent the various ecosystems within the forest. The plan is supposed to require management that would meet the needs of these species. Has this program worked, and if not, why not?

Thank you for your time in answering this question. Please send your responses to the Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, SR-328A, Washington, DC 20510-6000, Attn: Cynthia Neuwalder.

Sincerely,

PATRICK LEAHY,
Chairman.

[The following memorandum to Brock Evans from Jim Pissot is in response to Senator Leahy's question on the use of management indicator species as required by NFMA.]

MEMORANDUM

To: Brock Evans.
From: Jim Pissot.
Re: Response to Senator Leahy's question on the use of management indicator species as required by NFMA.

Date: December 14, 1989.

Management indicator species are required as a mechanism to monitor ecosystem health and biological diversity on national forest lands. I contacted Winifred ("Wini") Sidle, National Wildlife Ecologist, USDA Forest Service, (801) 750-2463, to explore the application of indicator species to forest plans and forest management. Through her graduate students at Utah State University, Wini had begun an analysis of the use of management indicator species in 123 forest plans. Here are her preliminary observations:

- The 123 forest plans represented 123 different ways to apply the concept of management indicator species. There was little or no consistency from forest to forest.
- The wide variety of applications offers a good choice of alternative methods—a few of them might serve as examples to improve the situation nationwide.
- The use of single species as management indicators has been criticized as ecologically unsound—there may be no basis to assume that the vertebrates selected as indicators on most forests indicate anything about ecosystems or the welfare of other species.
- The use of species as management indicators may be too restrictive. Communities, on the one extreme, or genetic types, on the other, may be more appropriate indicators. In other words, why monitor pileated woodpeckers as old growth indicators—we could just monitor the amount of distribution of old growth. Wini recommended that we choose, instead, "management indicators" (could be species, communities, genetic types, principal attributes, etc.).
- Success in selection and application of management indicator species has been variable. Most forests did a "reasonable" job—a defensible selection with adequate public and professional input. In these forests, the objectives of species monitoring and management were clearly stated and incorporated in the forest plans. Wini felt the Alaska region had done one of the better jobs in its two national forests. (She admitted her bias since she had worked on these plans.) There was a more comprehensive and thorough consideration of candidate species, each was assessed independently before the final list was selected. (Limitation to species was still a problematic constraint.)
- The worst forests appeared completely arbitrary in their species selection—some species were named without any supporting rationale. This flaw has been the basis for numerous forest plan appeals. One example in the Flathead National

Forest, where the plan was recently remanded upon successful appeal. The main flaws appear to be an arbitrary selection of species, no evidence of ecological rationale, too few species selected, and "wrong" species selected.

Conclusion

Ecosystems are complex, dynamic and difficult to measure. Management indicator species are on good faith effort to track changes in forest ecosystems. Many of the problems with implementing this method of evaluation would also plague other methods. However, these changes could offer substantial improvements:

1. Allow selection of management indicators in addition to single species.
2. Incorporate the selection and implementation methods from the more successful forests into some nationwide guide.
3. Reduction of management activities which are more environmentally destructive will allow for a somewhat greater margin of error in the difficult and imprecise field of ecosystem monitoring and evaluation.
4. Wini has gathered extensive raw data on the use of management indicator species in forest plans and forest management. These data should be analyzed. The discussion, results and recommendations should be published. The Senator's staff should feel free to contact Wini regarding her observations to date.

[An attachment to the memorandum, Indicator Species in Washington National Forests, follows:]

INDICATOR SPECIES IN WASHINGTON NATIONAL FORESTS [1]

Mt. Baker-Snoqualmie National Forest

American peregrine falcon
Bald eagle
Grizzly bear
Northern spotted owl
Pileated woodpecker
Marten
Mountain goat
Roosevelt elk
Black-tailed deer
Primary cavity excavators (woodpecker family)

Olympic National Forest

Bald eagle
Golden eagle
Northern spotted owl
Pileated woodpecker
Marten
Peregrine falcon
Columbian black-tailed deer
Roosevelt elk
Primary cavity excavators (woodpecker family)

Okanogan National Forest

Pileated woodpecker
Three-toed woodpecker
Barred owl
Northern spotted owl
MartenQ02

Because these national forests are dominated by old-growth ecosystems, the majority of the indicator species are old-growth associated or old-growth dependent.

[Responses to Senator Gorton's questions follow:]

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[1] Information taken from the proposed land and resource and management plans for the national forests.

QUESTIONS SUBMITTED FROM SENATOR GORTON FOR OCTOBER 25, 1989 HEARING ON THE NATIONAL FOREST MANAGEMENT ACT OF 1976

Question 1. Should the views of people in Forest Service timber dependent communities be given any greater weight in timber management decisions than the views of those in urban areas of the same State or other parts of the country?

Question 2. How does one weigh the human, career and community values of those who live and work in Forest Service timber dependent communities against wildlife and forest ecosystem values?

[Responses from Brock Evans, vice president for national issues, follow:]

DECEMBER 14, 1989.

Senator PATRICK LEAHY,
Chairman, Senate Committee on Agriculture, Nutrition, and Forestry, Washington, DC.

DEAR SENATOR LEAHY: Thank you for permitting us to testify before you at the important forest oversight hearing on October 25. The following is the response of the National Audubon Society to the additional questions submitted by you [1] and Senator Gorton:

Questions submitted from Senator Gorton:

Question 1. Question of appropriate weight to give to views of people in timber dependent communities on forest management decisions.

Answer. It is the American way to give precedence to the views of the majority, with due regard to protection of minority rights. To resolve any question in any other way would fly in the face of over two centuries of American law and jurisprudence, not to mention our sense of fair play.

The National Audubon Society believes that this basic principle is the one to follow when determining questions of national forest policy. It is not sufficient to argue that some persons have a higher claim on the resources of the public forest because they happen to live nearer to them and make a living from physical extraction of particular resources. It is definitely *not* appropriate for decisionmakers to simply add up the dollar amounts gained by some parties from extracting public resources and award the bulk of those resources to those interests, based on who makes the most money from them.

There must be a complete recognition of the even more important fact that millions of other Americans also derive a real "income" from their forests in terms of recreation, education, scientific study, or just sheer pleasurable experience, that are a very important part of their lives. If this were not true, then there would not be the controversy that we have today, and the public would be more than happy to leave forest management decisions to the wishes of local timber dependent communities.

But the fact is that the populations of the timber dependent communities are a small fraction either of the American population, or indeed of the States in which they reside.

Certainly any change in policy that reduces the ability of those communities to extract public resources in the manner in which they have become accustomed to must be accomplished carefully and with due regard for the impact on the human lives involved. *But the right to liquidate the public ancient forest is not an inalienable right.* While it was deliberate Forest Service policy, beginning shortly after World War II, to open up the stands of ancient forest under its jurisdiction and promise the timber industry that it could log them, times have changed, and the few remaining stands of ancient forest are a very scarce resource, which have higher values than mere board feet. We believe that the public's will is very strong on this point: just as we think it is wrong to liquidate the tropical rainforest of Brazil, it is just as wrong to liquidate our last stands of centuries-old trees on the public's forests.

As long as our forests are called "national" forests, the entire *nation* should have the right to determine what the policy shall be. As long as the U.S. Forest Service is subsidized and paid for with public money from all American taxpayers, *all* Americans should have equal right to decide what is to be done with them. While it may have been past tradition of the U.S. Forest Service to give overwhelming weight to the wishes of timber dependent communities—because it knew that those communi-

[1] The response for Senator Leahy can be found on pages 190 to 191.

ties would favor the Forest Service's policies of maximum logging—it is highly inappropriate for elected Representatives of the national government to follow that same pattern. At the very least, the wishes of all citizens of each State involved, urban and rural alike, should be given equal weight.

Question 2. Weighing of human, career, and communities values of timber dependent communities against wildlife and forest ecosystems values.

Answer. A few years ago, this same question could have been phrased a little differently—that is, how would we weigh human, career, and employment values of those same communities against the traditional values of the free enterprise system? That is because just a few years ago, the owners of many mills in those same communities were making economic decisions to restructure, and retool their enterprises in order to meet the economic challenges of a changing market. The result was massive layoffs, and very drastic effects on those same human and career opportunities, in those same communities.

But for some curious reason, no one posed the same question at that time—it was assumed that the right of an individual millowner to make any economic decision he wanted to was supreme, and it did not matter what the former (and now laid-off) employees in the mills and local communities thought or desired. We find it rather ironic that the only time this kind of "weighting" question is ever raised is when social values other than market values are attempted to be injected into the question of national forest management—in this case, ecosystems and wildlife.

The fact is that, all the talk of "community stability aside" aside, most so-called "timber dependent communities" are not stable. The decisions made by many millowners in the early 1980's, without regard to the wishes of those in the community, are a good example of this fact. As long as those communities stay "timber dependent" there is no reason to expect that similar economic circumstances will not occur again, with similar disruptions in community patterns.

It is a further fact that the public lands of our country, in particular, the national forests, are very often the last large repositories of some very important values mandated to be protected by Federal law: wildlife, endangered species, recreation, clean water, wilderness, scenic and spiritual values. Such values are by and large not going to be protected, or even managed, on the vast bulk of private forest lands. The National Park System is simply too small, as the Forest Service's own literature often points out, to give adequate representation to the wide range of endangered species and ecosystems that exist in our country; the National Forest System has far more of these resources.

Thus, while the national forests do have an inventory of timber which now supply about one-fifth of our Nation's annual production, they are often the *only* repository or place where this, or future generations of Americans, can hope to find abundant wildlife, or endangered species, or adequate recreation or wilderness experiences. The national forests are literally all there is for most Americans, and for most of these values.

Seen against this background and in this context, once again a basic question of fairness arises: Why should the relatively small numbers of people in timber dependent communities who make a living extracting (and usually heavily damaging) the public's forests have primacy when it comes to determining what shall be done with the public's ecosystems, its wildlife, its wilderness, and its recreation opportunities? To us the answer is obvious—they should not, especially when we recognize that timber dependent communities are subject to violent economic fluctuations depending on the whims of millowners in any event, and that has been the whole past history of such communities.

We are very sympathetic to the human needs and desires of those who live in those communities, and we sincerely hope that they are just as sympathetic and understanding of the needs and desires of those who do not live in the communities who love the national forests for other reasons.

And we very much expect that elected Representatives of the national government will not perform some sort of unfair "weighing" of the demands of those in these communities to liquidate the public's resources over those who value noncommodity uses. That is unfair, and not in our national tradition.

We further believe that the best answer to the "community stability" question is to assist those in those communities to diversify and seek and find other modes of employment that do not require reliance on a volatile timber industry. Those com-

munities which have done so, and have diversified, are prospering. We think it can be done in many other communities as well.

Sincerely,

BROCK EVANS,
Vice President for National Issues.

PREPARED STATEMENT OF JAMES S. RILEY, EXECUTIVE VICE PRESIDENT, INTERMOUNTAIN FOREST INDUSTRY ASSOCIATION, COEUR D'ALENE, ID

I. INTRODUCTION

Good afternoon. I would like to thank the members of the subcommittees for allowing me to testify today. I am James S. Riley, executive vice president of the Intermountain Forest Industry Association located in Coeur D'Alene, Idaho.

IFIA is an association of forest landowners and forest products manufacturers in Idaho, Montana, Utah, Wyoming, Colorado, and South Dakota. All of our members are dependent in whole or in part on the national forests in these States for their source of raw material supply.

Accompanying me today for the purpose of assisting with the subcommittees' questions is Mr. Jack Mudd of Missoula, Montana. Mr. Mudd is counsel to IFIA, helping us to develop alternatives for the legislative changes that we think will be necessary to assure that the national forests provide a reliable supply of raw materials for our industry, as well as meet other important environmental and natural resources needs.

In the preceding statement, Mrs. Baker summarized the important contributions that the national forests make to national and world timber supply needs. She also described the results of the forest planning process in the two Forest Service regions in the Eastern United States.

I would like to concentrate on the results of the forest planning process in the four Forest Service Intermountain regions with which I am most familiar. These regions contain the national forests throughout the Intermountain West, from Arizona and New Mexico to the Canadian border. I believe that several of Mrs. Baker's observations about the forest planning process are equally applicable to the regions in which I work.

II. THE FOREST PLANS IN THE INTERMOUNTAIN REGIONS DEMONSTRATE BOTH A SHIFT TO NONCOMMODITY PRODUCTION AS WELL AS THE LACK OF CLOSURE IN DEALING WITH RESOURCE CONFLICTS

As indicated, the Forest Service Intermountain regions are the four regions that encompass national forest acreage in the nine States between the Great Plains and the west coast. There are a number of small communities in these States where a sawmill or other wood products facility constitutes the major employer. In many cases, these facilities are entirely dependent upon national forests lands for their source of raw material supply. The Intermountain regions have less private land ownership than any other Forest Service region. Therefore, wood products facilities in the Intermountain States are the most heavily dependent on the national forests for their raw material supply needs.

A. THE FOREST PLANS IN THESE REGIONS STRONGLY DEEMPHASIZE COMMODITY PRODUCTION AS AN IMPORTANT PART OF THE MISSION OF THE NATIONAL FOREST SYSTEM

Mrs. Baker compared the measure of potential timber yields provided in the existing plans and the Allowable Sale Quantity in the new plans for the eastern regions to show that the Forest Service is reducing the timber producing level of these national forests. Mr. Geisinger will explain the impact of similar reductions in the two west coast regions.

However, it is important to note that the reductions caused by the new plans are most pronounced in the four Intermountain regions. In regions 1 and 3, the Forest Service has reduced the potential yield in the old plans by 29 percent and 28 percent respectively, in developing the measure of Allowable Sale Quantity in the new forests plans. Even more devastating are reductions of potential yields in regions 2 and 4 of 57 percent and 54 percent, respectively.

In some cases, these reductions are the result of better forest inventory data and other information concerning the productive potential of the national forests in these regions. Much of this reduction, however, is the result of Forest Service decisions that are unrelated to the productive potential of the national forest lands.

These decisions either represent the agency's best attempt to interpret some of the direction provided in the National Forest Management Act of 1976 (NFMA), or they are wholly discretionary Forest Service resource allocation decisions.

To illustrate this point, table 1 below compares:

(1) The Allowable Sale Quantity—or the Forest Service's preferred sale level—in the new plans;

(2) The long-term sustained yield identified in the new plans for the forests in each of the Intermountain regions; and

(3) The potential yield in the old forest plans.

TABLE 1

National forests	New plans		Old plans—potential yield (BBF)
	Allowable Sale Quantity in billion board feet (BBF)	Long-term sustained yield capacity (BBF)	
Total for region 1	1.120	1.991	1.567
Total for region 2	0.439	0.861	1.032
Total for region 3	0.442	0.853	0.618
Total for region 4	0.389	0.634	0.838

On the latter point, the Forest Service's regulations define the long-term sustained yield capacity in the new plans as "the highest level of timber production that can be sustained in perpetuity under the management intensities and multiple use objectives established in the [new] forest plan as required by the mandates of the National Forest Management Act." The long-term sustained yield capacity provides a measure of the long-term productivity of a given forest, as established in the new forest plans, after reflecting the statutory requirements of NFMA. In other words, these levels of timber production are sustainable in compliance with NFMA.

As one can see from the table, in region 1 (Northern Idaho and Montana), the long-term sustained yield indicated by the new plans is actually higher than the preferred sales level provided by the old plans. In region 2 (Colorado, Wyoming, South Dakota), it is slightly lower than the old plans, but more than twice as high as the Forest Service's preferred sales level in the new plans. In region 3 (Arizona and New Mexico), it is substantially higher than the potential yield in the old plans. Finally, in region 4 (southern Idaho, Utah, Nevada), it is slightly lower than the old plans but almost twice as high as the new plans.

There is one inescapable conclusion from the above comparison—completely apart from questions involving site productivity or sustainability of harvest, the Forest Service has been extremely conservative in calculating its preferred level of timber production in this generation of forest plans. This apparent deemphasis on timber production is the result of:

(1) Poorly conducted assessments of timber supply and demand;

(2) A desire to enhance noncommodity values; and

(3) The application of very conservative, discretionary constraints on timber production to assure that other multiple uses and environmental values are either not diminished, or are actually enhanced.

I would like to focus on the first of these three deficiencies because it is the most troubling. The Forest Service has flatly ignored opportunities to meet the national and world fiber supply needs.

B. THE FOREST SERVICE'S TIMBER SUPPLY AND DEMAND ANALYSES IN THE INTERMOUNTAIN PLANS ARE GENERALLY DEFICIENT, GEOGRAPHICALLY LIMITED, AND OUT OF DATE

The forest plans in the Intermountain regions were completed in the mid-1980's. The Forest Service based these plans on analyses of timber supply and demand that were carried out in the early part of the 1980's. Consequently, these analyses were carried out during a period which represented the worst recession in the history of the wood products industry. As you might expect, demand for Forest Service timber—or, for that matter, timber from any ownership—was substantially lower than had occurred previously or has occurred since. Mrs. Baker described the current record levels of wood products consumption that we are experiencing nationwide.

As a consequence of conducting the demand analyses during the early 1980's and projecting the results into the future, the Forest Service artificially limited the productive potential of the national forest lands in these regions. In the plans the agency designated a substantial acreage of land otherwise suitable for timber production as either "unsuitable" or only "tentatively suitable." These lands were not included in the calculation of the plans' Allowable Sale Quantity.

Thus, the Allowable Sale Quantity (ASQ) of many of the new plans is not solely a reflection of environmental constraints or the productive potential of the land. Rather, the ASQ is, in part, a representation of the lower levels of timber demand that existed at the time of plan development during a cyclical downturn of extraordinary length and magnitude in our industry.

The Forest Service's supply and demand analyses were hampered by two other deficiencies as well. First, as more of the Intermountain region plans were issued, it became apparent that the Forest Service assumed that timber supply and demand considerations ended at the boundary of each national forest. That is, the agency's planners did not consider the impact of a reduction in timber sales quantity on one forest on the demand for timber on neighboring national forests.

Second, the agency did not adequately consider the supply situation on other, neighboring lands as it calculated the demand for timber from the national forests. In those areas of the Intermountain West where there is private forest land ownership the Forest Service generally assumed that harvest levels on private lands would remain more or less constant during the life of the forest plans. This assumption has not generally held, as private lands contributed heavily toward meeting high levels of timber demand in the late 1970's.

These deficiencies were recognized at least as early as May 1986 as the Forest Service continued to finalize plans in the Intermountain regions. At that time, then-Assistant Secretary of Agriculture, Peter Myers, issued direction to the Forest Service noting:

"It is important—before national forest plans are finalized—that the Forest Service carefully assess: (1) how the proposed sale level of one national forest cumulatively relates to those of other forests within the economic region, and (2) how the total national forest sales level relates to supply projections and possibilities from other forest ownerships. Where the inventories from private lands that were reduced in the 70's and 80's have significant influence on future supply trends, it seems appropriate that the implications of such reductions be documented in the appropriate national forest planning documents and EIS's.

"The fact that national forest timber harvests were at reduced levels in the early 80's should not be taken as a sign that higher sale levels will not be needed in the future to maintain an adequate economic base for timber-dependent areas and communities. It is imperative that the role and potential of national forest timber supplies for sustained local and regional economies during the next 10 to 15 years be fully understood. Decisions on final plans for individual national forests should reflect thorough and careful consideration to this important economic relationship." (May 23, 1986, memorandum to R. Max Peterson from Peter C. Myers.)

This direction was passed down to the Regional Foresters and Forest Supervisors. Unfortunately, the national forests were, at that time, in the final stages of plan development. Forest Supervisors, consequently, resisted the direction to revisit the supply and demand questions essential to sustaining the communities dependent upon national forest timber in these regions. Thus, the Chief of the Forest Service again wrote to the Regional Foresters on January 12, 1987, noting that:

"An updated assessment of future demand is essential in establishing resource outputs from the national forests. New information relating to the timber resource is particularly critical due to the recent fluctuations and uncertainty of future markets and prices.

". . . [a]n assessment of the current situation is needed to take into account . . . the recent decrease in interest rates and the imposition of a tax on softwood lumber exports to the United States by Canada. It is not reasonable to base assumptions about future timber demand solely on historic harvest levels, when poor markets resulted from high interest rates and imported [Canadian] wood sold at subsidized prices . . .

". . . [t]he relationship of potential timber supplies from other ownerships as indicated by recent studies or new information. It cannot be assumed that historic harvest levels from the national forests will continue to support needs of dependent communities. If potential timber supplies from private lands will be less in the future than it has been in the past, the need to increase timber production on the national forests, within multiple use objectives, is to be addressed." (January 12, 1987, memorandum to Regional Foresters from R. Max Peterson.)

This important memorandum directed the review of, and revisions to, forest plans where:

(1) The Allowable Sales Quantity responded to anticipated demand, but there was additional potential for production; and

(2) The Allowable Sales Quantity did not meet anticipated timber demand, but the opportunity was available to increase it within multiple use objectives. Unfortunately, this memorandum was also largely ignored as the Forest Service inexorably drove the final forest plans to completion.

Not surprisingly, subsequent appeals of the final forest plans throughout the Intermountain regions commonly raised the question of whether the agency had performed an adequate assessment of timber supply and demand. My organization was forced to raise this issue in appeals of the plans for the Flathead and Beaverhead National Forests in Montana, the Idaho Panhandle and the Payette National Forests in Idaho, and the Bighorn and the Medicine Bow National Forests in Wyoming. This issue has also been raised in forest plan appeals on the Apache-Sitgreaves, the Santa Fe, and Lincoln National Forests in the Southwest. In fact, this issue has been raised in at least 19 forest plan appeals in the Intermountain regions. Thus, I believe it is fair to say that this is a deficiency common to the national forests throughout the Intermountain regions, and perhaps other regions as well.

Both the evolution of this issue, and the agency's apparent lack of concern for timber supply and demand outside of the boundaries of each national forest, or during any years other than those studied, illustrate an important problem. That is, there is virtually no specific congressional guidance or statutory standards governing: (1) commodity output production on the national forests; or (2) the importance of considering the impacts of Forest Service decisions on the stability of communities with an economic base dependent upon the Forest Service timber sales program. It is laudable that Chief Peterson twice directed the Forest Supervisors and the Regional Foresters to consider the impact of agency decisions on timber dependent communities. However, it is clear that this directive was not reflected in any real way in the round of national forest plans recently completed.

Many of the previously mentioned plan appeals on this issue have been argued as far as the Assistant Secretary of Agriculture. The agency has been given interim direction to go back and revise the national forest supply and demand analyses. Nevertheless, there have been no material changes in how the plans are presently being implemented.

III. Even More Troubling Than the Way the Plans Were Developed Is the Forest Service's Utter Reluctance To Use the Plans as the Framework for Resolving Subsequent Public Lands Conflicts

One could perhaps accept the fact that the plans were developed imperfectly if there was some assurance that they could—and would—actually be implemented to achieve the indicated resource outputs. However, that has unfortunately not been our experience in the Intermountain West. The agency's general response to plan or post-plan challenges of individual activities has been to either: (1) assert that the plans were not meant to resolve particular issues; or (2) ignore the plans altogether in order to hopefully cobble together a possible solution to a pending conflict. I would like to discuss each of these problems in turn.

A. Conflict over plan decisions on individual activities in roadless areas scheduled for multiple use by the plans, have driven the Forest Service to suggest that the plans do not include adequate environmental justification to support these decisions

Early last year, a most shocking development occurred as the Forest Service attempted to deal with an administrative appeal to the Idaho Panhandle National Forest plan by the Idaho Conservation League. In his decision, the Chief held that the analysis included in the final forest plan was only sufficient to support the allocation of lands between roadless and nonroadless status. Any subsequent activities to be conducted in the areas designated for multiple uses other than wilderness would be subjected to an additional level of environmental analysis, including (in many cases) a separate environmental impact statement.

In simple terms, the Forest Service redefined the nature of the forest plans as documents which justify what will *not* be done in the national forests. However, the plans do not, by the same token, provide an adequate justification for affirmation decisions to conduct real activities in areas that are not reserved for wilderness use. The asserted rationale for this decision is that additional environmental analysis in the future will consider, and where appropriate justify, any individual activities in

roadless areas scheduled for multiple use values. Therefore, any challenge to the conduct of these activities must be brought at this later time, rather than upon completion of the forest plan.

While this may appear to represent a clever means of postponing the day of reckoning for such challenges, it is not. This approach will essentially push conflicts into the future as the agency attempts to implement forest plans, rather than bring them to a resolution upon completion of the planning process. This means that there is essentially no closure in the forest planning process.

This decision—now in litigation before the Federal District Court in Montana—will also create a NEPA compliance burden that the Forest Service has not planned for and cannot bear. Presently, as a consequence of the Chief's decision on the Idaho Panhandle National Forest plan appeal, the Forest Service is attempting to achieve congressional timber sale and ASQ targets by developing a substantial number of environmental impact statements to support individual timber sales or groups of sales. The agency has not met its timber sale targets in region 1 (where this problem is most extreme) for the last 2 years. Moreover, the Forest Service will not, and cannot, meet the region's ASQ or its recently approved FY 1990 target under this ad hoc plan implementation system.

Of even greater significance, the Forest Service has peremptorily eliminated any positive effect that would be provided by standard wilderness release language in the still-pending Idaho and Montana Wilderness bills. Even where statutory wilderness release provisions *and* final plans together support agency decisions in released roadless areas, the Forest Service will still be unable to implement plans.

This is because pending wilderness bills in Idaho and Montana would do no more than provide release from the strictures of *NRDC* vs. *Block*, already provided by the roadless area analysis in each of the final forest plans in these two States. The agency would still be bound by its own interpretation of subsequent environmental analysis responsibilities associated with actually implementing the plans in the released roadless areas. Since a substantial portion of the timber sale program in many of the Intermountain forest plans depends upon entry into released roadless areas, this makes real implementation of the final plans extremely problematic.

B. THE FOREST SERVICE APPEARS TO BE IGNORING THE FINAL PLANS AS IT DEVELOPS AD HOC MEASURES FOR DEALING WITH NATURAL RESOURCE CONFLICTS DURING PLAN IMPLEMENTATION

It has been extremely troubling to watch the agency struggle to implement the final forest plans and respond to new issues as they arise. Unfortunately, the agency has not used the plans as a mechanism for dealing with, or addressing, new issues. In several instances, rather than suggesting that parties raising new issues submit a petition for plan amendments or revisions, the agency has embarked, instead, upon the development of "interim policies." These interim policies are invariably poorly conceived means of managing national forest system lands in an ad hoc fashion that unsuccessfully attempts to avoid conflict. Moreover, these interim policies have questionable regulatory and legal status, and are fundamentally flawed from a legal standpoint.

We are deeply concerned that the Forest Service's increasing practice of affecting substantial changes in the forest plans through the use of these interim policies is unlawful, violating NEPA, NFMA, planning regulations, and the Forest Service Manual. This practice also creates two anomalies that critically infect the agency's decisionmaking process by making it immune from meaningful public participation or challenge.

First, these interim policies have thus far precluded an opportunity to appeal the agency's decision to deviate from the final forest plan. Second, the way in which these interim policies have been implemented has denied any meaningful opportunity for comment on their development or application.

Attached to my statement is a recent letter from the American Forest Resource Alliance to the Chief of the Forest Service highlighting these problems in greater detail. I would simply say that this is an increasing problem that demonstrates that the agency either is not, or cannot, use its forest plans as the management framework for managing the national forests and resolving future conflicts. In our view, the implementation problems raised so far provide a very pessimistic outlook for the Forest Service's ability to implement plans without adequate congressional direction and assistance.

IV. Conclusion

In summary, congressional direction will be essential to assure implementation of plans in the Intermountain regions, particularly those covering forests with significant roadless area acreage. We believe that, unless Congress acts to define the parameters of forest plan implementation, the forest plans will be no more useful in bringing closure to public conflict and debate than any of the other administrative measures the Forest Service has developed, or is continuing to develop, as it lurches from crisis to crisis. Simply stated, the agency needs help. It is time for Congress to provide this assistance in the context of the next stage of national forest management—proper implementation of the forest plans as they are completed and reviewed.

I appreciate the opportunity to testify and would be happy to respond to any of your questions.

[The attached letter from the American Forest Resource Alliance to the Chief of the Forest Service follows:]

American Forest Resource Alliance,
Washington, DC, October 11, 1989.

Mr. F. Dale Robertson,
Chief, U.S. Forest Service, Department of Agriculture, Washington, DC.

Dear Mr. Robertson: I am writing on behalf of the American Forest Resource Alliance ("Alliance") [1] to express our concern regarding the Forest Service's increasing use of "interim policies" as a means of managing National Forest System lands and, as a particular example, region 3's attempt to amend existing Land and Resource Management Plans ("forest plans") by its June 29 "Management Guidelines and Inventory Protocols for the Mexican Spotted Owl" ("MSO Interim Policy"). We perceive fundamental flaws in the procedures adopted by the Forest Service for establishing interim policies—flaws which may deny the public any right or opportunity to effectively comment on or challenge interim policy decisions. We hope that by bringing these flaws to your attention, we will be able both to resolve amicably our current differences regarding the MSO Interim Policy, and to avoid similar problems with any future interim policy decisions the agency chooses to make.

A. The MSO Interim Policy and Industry Comments

As you are aware, on June 29, 1989, region 3 of the Forest Service published in the Federal Register its MSO Interim Policy. 54 Fed. Reg. 27417. The MSO Interim Policy became effective virtually immediately, on June 30, 1989, without prior opportunity for public comment. According to region 3, the MSO Interim Policy was implemented without prior public comment "because of the immediate need to protect occupied Mexican Spotted Owl habitat while gathering additional data about the Mexican Spotted Owl." 54 Fed. Reg. 27417.

Region 3 did solicit public comments on the MSO Interim Policy on or before September 1, 1989. With a due date 60 days after the implementation of the MSO Interim Policy, however, those comments presumably would not likely impact that Interim Policy.

The National Forest Products Association ("NFPA") submitted comments on the MSO Interim Policy on August 29, 1989. NFPA commended region 3 for attempting to manage for the Mexican Spotted Owl before it might otherwise become necessary to list the bird under the Endangered Species Act. However, NFPA also raised a number of concerns regarding the MSO Interim Policy, including the following: (1) the plan to increase current Mexican Spotted Owl management core areas from 300 acres [2] to 450 acres could have a significant, adverse impact on the amount of timber offered for harvest, contrary to region 3's assurances; (2) such timber sale reductions would effectively constitute amendments to existing, approved forest plans; and (3) the Forest Service had failed to undertake the environmental analysis and prepare the appropriate decision document required by the National Environ-

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[1] The Alliance is providing legal assistance to the National Forest Products Association and the Region 8 Forest Service Timber Purchasers Council on these matters.

[2] The MSO Interim Policy proposed a core area of 300 acres for the Lincoln National Forest, in contrast to the rest of the forests in the region which would have core areas established at 450 acres. NFPA objected to the establishment of an across-the-board size of core area for the Lincoln National Forest and suggested, instead, that the use of Integrated Stand Management would provide sufficient protection for Mexican Spotted Owls. NFPA comments on MSO Interim Policy, dated August 29, 1989.

mental Policy Act ("NEPA") and the National Forest Management Act ("NFMA"). NFPA concluded that unless it could be assured that the timber sale program in region 3 would be maintained in accordance with existing forest plans, it would have to consider an appeal of the decision to implement an Interim Policy.

B. The RCW Interim Policy, Industry Appeals, and the Deputy Chief's Decision

This is not the first time the Forest Service has attempted to use the concept of an "interim policy" to implement management guidelines without proper documentation. On March 27, 1989, the Regional Forester for region 8 attempted to issue an "Interim Policy on Cutting Within ¾ Mile of Red-Cockaded Woodpecker Colonies on Existing Timber Sale Contracts" ("RCW Interim Policy").

The practice and procedures that region 8 followed in establishing and implementing the RCW Interim Policy were nearly identical to those followed for the MSO Interim Policy. For instance:

(a) Both Interim Policies were issued effective immediately;

(b) There was no opportunity for public comment on the Interim Policies before their implementation;

(c) No environmental analysis or documentation was undertaken prior to implementation as required under NEPA; and

(d) The procedures for amending forest plans were not followed as required by NFMA.

On March 31, 1989, pursuant to 36 CFR Part 217, the Region 8 Forest Service Timber Purchasers Council ("Region 8 Council") appealed the RCW Interim Policy on the grounds that it had been established in violation of NEPA, NFMA, the Forest Service's own regulations and the Forest Service Manual. The Deputy Chief of the Forest Service, James C. Overbay, upheld the Region 8 Council's appeal in part, agreeing with its argument that an interim policy must be accompanied by NEPA analysis and documentation. He ordered region 8 to:

> *conduct an environmental analysis and then prepare the appropriate decision document for the policy* regarding cutting near RCW colonies on existing sales, and to issue the decision document as soon as possible. The decision document must include a reference to the consideration of compliance with the Endangered Species Act, the National Environmental Policy Act, and the National Forest Management Act in establishing this policy. *The decision document will be subject to administrative appeal under 36 CFR Part 217.* The decision document will be distributed to individuals or groups on the mailing list for each forest plan involved.

April 11, 1989 letter from Mr. Overbay to Huey Long (italics added). Significantly, Deputy Chief Overbay specifically directed that the public be provided with *advance* notice of the region's intent to amend the Regional Guide and be given an opportunity to comment on the region's action *prior* to the implementation of the revised guidelines. *Id.*[3]

The RCW Interim Policy was subsequently reissued on June 26, 1989, with an Environmental Assessment, Finding of No Significant Impact and Decision Notice ("Decision Notice"). The Decision Notice included a statement that "the [RCW Interim Policy was] . . . an amendment to the [forest plans] for those national forests covered by it." The Region 8 Council appealed the reissued Interim Policy because region 8 had failed to take the requisite "hard look" at the environmental consequences of its proposed RCW Interim Policy *before* implementing it, and because the

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[3] Deputy Chief Overbay's instruction was consistent with the bedrock principle that the public is entitled to comment upon and challenge agency actions. This principle is reflected throughout the Administrative Procedure Act ("APA"), as well as numerous other substantive statutes and their implementing regulations. *See, e.g.*, 36 CFR Part 216 (1988). In fact, in promulgating the very appeals rules that apply here, the Forest Service explicitly recognized that "the broad principles of the APA apply" even where an appeal procedure is voluntarily provided by an agency. 54 Fed. Reg. 3343 (Jan. 23, 1989). "In other words," the Service said, *"the procedures made available by the APA for notice and the opportunity to be heard must be applied fairly."* *Id.* (italics added). This means, at the least, that public comments will be solicited and considered *before* the agency takes final or significant action, *not* afterwards.

Despite this injunction, the Forest Service increasingly seems to be publishing its actions for public comment only after the actions are final, and the harm is already done (in this case, for example, by requesting comments by September 1, 1989, for a policy effective as of June 30, 1989, with no discussion as to how comments submitted will be considered with respect to the June 29 Interim Policy). Thus, region 3's adoption of the Mexican Spotted Owl management program through the mechanism of an Interim Policy, rather than through a forest plan amendment, effectively eliminated the role of public participation.

environmental assessment ("EA") had not been integrated into the decisionmaking process and had failed to consider alternative RCW protection methods. The Region 8 Council also argued that, because the RCW Interim Policy constituted a series of significant amendments to existing, approved forest plans, it required the preparation of an environmental impact statement ("EIS"), rather than the EA conducted by region 8. This appeal is pending.

C. The Interim Policies Suffer Procedural Anomalies Which Undermine Their Legitimacy

The Alliance is in full agreement with NFPA's August 29 comments on the MSO Interim Policy and with the Region 8 Council's appeals of the RCW Interim Policy. We are also more broadly concerned, however, by the Forest Service's increasing practice of effecting substantive changes in forest plans through the use of "interim policies." This practice not only is unlawful, violating NEPA, NFMA, Federal regulations and the Forest Service Manual, but also creates two anomalies that critically infect the agency's decisionmaking process by making it immune from meaningful public participation or challenge. These anomalies must be cured.

1. *The First Anomaly: Region 3 May Save Precluded Appeal.*—Region 3's actions are no different from those of region 8 which were invalidated less than 6 months ago. The MSO Interim Policy was improperly promulgated without opportunity for public comment prior to its implementation, without NEPA analysis or documentation, and without amending existing forest plans. Yet, because region 3 issued its decision as an "interim policy," rather than as a documented decision required by law, it very likely has jeopardized the right of adversely affected parties to appeal its decision.

Had region 3 complied with NEPA and prepared a formal record of decision, as region 8 was compelled by Deputy Chief Overbay to do with the RCW Interim Policy, the MSO Interim Policy would have been appealable under 36 CFR Part 217. Because of region 3's failure to follow these procedures, however, the right to appeal the MSO Interim Policy—which, under the Deputy Chief's decision, would be invalid for NEPA noncompliance—is put into question. This is so because Part 217, which the Forest Service promulgated only recently, provides for the appeal of "written decisions governing plans, projects, and activities to be carried out on the National Forest System that result from analysis, documentation, and other requirements of the National Environmental Policy Act. . . ." 54 Fed. Reg. 3342, 3358. The regulations further provide that:

> "only decisions documented in a Decision Memo, Decision Notice, or a Record of Decision are subject to appeal. . . . Decisions subject to appeal . . . include, but are not limited to: (1) approval, amendment and revision of a forest land and resource management plan . . .; (2) approval and amendment of a regional guide for forest planning . . .; and (3) other projects and activities for which decision documents are prepared. . . ." *Id.*

The common element to all of the decisions subject to appeal under Part 217 is the existence of a record of decision or other decision document. And it is precisely this decision document that region 3 failed to prepare by implementing the MSO Interim Policy. Without a written decision document, such as one accompanying NEPA analysis and amending forest plans, public challenge of the MSO Interim Policy is arguably foreclosed. Where the impact of an improperly issued interim policy is potentially substantial, as is the case here,[4] an avenue of appeal is mandated.[5]

Based upon the history of productive working relations between the industry and the Regional Forester, we assume that region 3's failure to adhere to the Deputy Chief's NEPA compliance decision was simply due to inadvertence. However, the effect is the same as if the agency actually intended to preclude administrative

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[4] *See, e.g.*, Fox & Rhea, "Spotted Owls in the Rockies," Journal of Forestry, August 1989 at 44. (The impact of the Interim Policy could result in a 20 percent reduction in the allowable cut which could, in turn, trigger the closure of a local mill; the related economic impact of such a closure "would be a severe blow to the already precarious position of the Southern New Mexico Mountain communities.")

[5] The potential impact of region 3's "interim policy" is such that the forest industry will vigorously pursue an appeal, if necessary, notwithstanding the arguable foreclosure of its appeal right. Should the agency take the position that the "interim policy" is not appealable, we need to immediately begin steps to assess whether to take the issue to an appropriate United States District Court. We cannot believe the courts would allow an agency so easily to eradicate a fundamental right.

appeal: an invalid decision made through the proper procedures may be challenged, but an equally invalid decision that also disregards the procedural requirements of Federal law and Forest Service regulations may not. The agency must not countenance this result.

2. *The Second Anomaly: The Public Is Denied Any Opportunity for Meaningful Comment.*—Even if region 3 had conducted the appropriate NEPA analysis, issued the proper record of decision, and formally amended the affected forest plans when it promulgated the MSO Interim Policy, it still may have denied the public any meaningful right or opportunity to be heard. The MSO Interim Policy was published on June 29, 1989. Comments were solicited that day and became due 60 days later, on September 1, 1989. The MSO Interim Policy became effective, however, on June 30—the first day of the comment period and 60 days before comments were due.

This means, at the least, that the MSO Interim Policy would have been in effect for 2 months before being informed by public comment. Realistically, that 2-month period must be doubled or more to allow for agency review of the comments and consideration of changes to the MSO Interim Policy based on them—steps the APA requires and which the Forest Service only recently went on record as saying "must be applied fairly." 54 Fed. Reg. 3343 (Jan. 23, 1989). This result demonstrates the end run that region 3's MSO Interim Policy represents around meaningful public participation and fair process. Such an extinction of rights, and probably of jobs, is particularly inappropriate where, as here, there is no justification for it other than an unsubstantiated and conclusory assertion of an "immediate need to protect occupied Mexican Spotted Owl habitat while gathering additional data." 54 Fed. Reg. 27417 (June 29, 1989).[6]

Moreover, the approach to public comment announced by region 3 in publishing its MSO Interim Policy conflicts squarely with the agency's regulations for administrative appeals. Had the MSO Interim Policy been the subject of an EIS or EA and had it been accompanied by a "Decision Memo, Decision Notice, or Record of Decision," any notice of appeal would, under a conservative reading of the regulations, be required within 45 days of the date of decision. *See* 30 CFR § 217.8(a)(3).[7] This, of course, would require the notice of appeal to be filed *before* the submission of public comments on the same decision. Since the very purpose of public comment is to identify and resolve issues, however, it obviously makes little sense to put adversely affected parties and the agency through the burdens of an appeal process over an action before the comment period on that action has even taken place. And where, as here, region 3 has *not* conducted the necessary NEPA analysis and has *not* provided the public any other prior opportunity to comment, the importance of public comments in terms of raising issues that may be appropriate for agency resolution or appeal is heightened.

D. Requested Action To Cure the Defects of the Agency's Interim Policymaking

The Alliance firmly opposes the Forest Service's increasing reliance on interim policies as a means of effecting management decisions. If that practice continues, the Forest Service must, at least, address and resolve the anomalies that the practice creates.

First, to ensure informed decisionmaking, as well as to establish clear administrative appeal rights, interim policies must be accompanied by NEPA documentation and decision documents, as the Deputy Chief's decision on the RCW Interim Policy required; and they must be made amendments to forest plans, as region 8 did in reproposing the RCW Interim Policy (albeit without proper procedures).

Second, to ensure that interim policies are informed by public comment and that, where appeals are necessary, they are taken on the most complete administrative

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[6] Troublesome also is the absence of any indication that the agency intends to act promptly on the comments to consider changes to the Interim Policy when it does receive them. All the public is told is that the Forest Service "welcomes comments" and intends to use them "when making future revisions to the management guidelines." *Id.* When? Do the "future revisions" include any possible changes during the life of the Interim Policy? How long will the forest industry—the regulated industry—be subject to the substantive impacts of region 3's Interim Policy before its views are considered? Does the agency intend to respond to the comments at all, as the APA and fundamental notions of administrative law so clearly require?

[7] If the MSO Interim Policy is characterized as an effective amendment or revision to a forest plan, as was the RCW Interim Policy and as the Alliance believes the MSO Interim Policy should be, the notice of appeal must be filed within 90 days of the date of decision. 30 CFR § 217.8(a)(4).

record possible: (1) interim policies should not be made effective until after public comments are received and considered; (2) the Forest Service should respond in writing to public comments, indicating the issues that they raise and showing how the agency resolved those issues in its formulation of the interim policy; and (3) the appeal period should run from the date the agency formally responds to public comments (which should also be the effective date of the policy), rather than from the date of publication of the interim policy. These suggestions do no more than embody well-established principles of administrative law that have been developed to assure informed policies reflective of a full, fair and meaningful process of public participation.

E. Requested Agency Action on the MSO Interim Policy

The MSO Interim Policy should be stayed or rescinded until region 3 has: (1) undertaken NEPA analysis and documentation pursuant to the Deputy Chief's decision on the RCW Interim Policy; (2) reviewed the comments submitted on the MSO Interim Policy and the results of its NEPA analysis and issued a record of decision; (3) revised its MSO Interim Policy accordingly; and (4) taken, or at least commenced, the appropriate steps to amend existing forest plans. If the MSO Interim Policy is not rescinded or stayed, the forest industry will have to consider an appeal under the terms of 36 CFR Part 217. This decision is troubling and awkward because any appeal should logically follow a written response by the agency to public comments, so that we can evaluate its actions based on those comments. But since the agency has not undertaken to so respond to public comments here, or provide any other guidance in this area, we will conservatively treat the appeal period as having begun to run 30 days after the conclusion of the comment period, on October 1, 1989.[8]

We hope this letter clarifies the broad concerns of the forest industry regarding the Forest Service's policymaking procedures. We also hope it will prompt the actions necessary to rescind or stay region 3's current MSO Interim Policy. In particular, we will appreciate your assurances that there will be no reduction in the amount of timber offered for harvest until region 3 conducts and documents an environmental analysis pursuant to NEPA to determine the need for, impacts of, and alternatives to any modifications to the currently established forest plans. The forest industry values highly its strong working relationship with Forest Service region 3. However, we now face the unfortunate circumstance of having to file a potentially unnecessary appeal of the MSO Interim Policy to protect our interests under current forest plans.

We look forward to hearing from you before October 16, 1989, on these issues. If you have any questions, please do not hesitate to call.

Sincerely,

Mark Rey,
Executive Director,
American Forest Resource Alliance.

Prepared Statement of Jeffrey T. Olson, Resource Economist for the Wilderness Society, Washington, DC

Mr. Chairman and members of the committees, I am Jeff Olson, forest resource economist with the Wilderness Society. Our more than 330,000 members and our professional staff are dedicated to the wise use and sustainable management of the Nation's Federal public lands. We believe that the National Forest Management Act of 1976 (NFMA) is of critical importance in assuring sound forestry practices in this country's magnificent national forests. I am pleased to be here today to discuss NFMA issues that concern conservationists.

An Unmatched Resource

The 191 million acres of national forests are a spectacular resource held in public trust. Some of the more remarkable features of these lands include ancient forests in the Pacific Northwest, deep fjord country in southeast Alaska, high alpine meadows in the Rocky Mountains, deserts in the Southwest, rolling pinelands in the

[8] We give the agency the benefit of the doubt by this approach, considering that it would have reviewed, resolved and acted on the comments submitted within 30 days after the comment period closed.

South, and the tropical rain forest of Puerto Rico. They are also significant for what they provide. Their sheer geographical expanse makes them a tremendously important reservoir of biological diversity. They are a primary source of outdoor recreation opportunities—ranging from driving for pleasure to wilderness camping. More than 50 percent of the water in the West is carried by streams that originate on the national forests. Abundant anadromous fisheries and wildlife habitat as well as commodities such as timber and minerals are found on the national forests.

Congress passed the NFMA more than a decade ago as a partial remedy to concerns that the Forest Service was placing too much emphasis on timber production from the national forests, particularly through the use of clearcutting. The U.S. Fourth Circuit Court of Appeals substantiated these concerns when it upheld an injunction against the use of clearcutting on the Monongahela National Forest in West Virginia. The intent of the act was to ensure that timber interests did not override the many other uses of the national forests. The NFMA required comprehensive land and resource management planning as a means of ensuring that Gifford Pinchot's goal of "the greatest good for the greatest number in the long run" could in fact be realized in the national forests.

Passage of the NFMA left many citizens with high hopes. It was believed that the "timber first" bias in Forest Service management policies would be replaced with comprehensive plans to restore balance and environmentally sound management to the national forests. Unfortunately, now that plans are complete—at least in draft form—for virtually all 123 national forest administrative units, it is clear that excessive emphasis on timber production continues at the expense of other resources as well as at the expense of taxpayers. My remarks today focus on this timber-first bias, its costs, and recommendations for needed change.

Forest Plans Fail To Provide Sound Resource Management

The impact of implementing the new forest plans is summarized in the 1990 draft of the Forest Service's Resource Planning Act (RPA) Program, a long-range plan for all forest resources. Across the country, forest plan implementation will increase combined timber sale levels on the national forests by 21 percent over five decades. Fully half of that increase will occur in the first decade. To accomplish this goal, the number of acres clearcut each year will increase from 330,000 to 440,000. In addition, 25,000 miles of new roads will be built in the next 10 years. Old-growth forests (as defined by the Forest Service) in Alaska, Washington, Oregon, and California will be reduced by 4.4 million acres.

The draft RPA Program merely hints at the impact of this program on nontimber values. Big game winter range, for example, will be reduced by just over 1 million acres in the first decade. Water quality will allegedly be maintained and even improved, but only through investment of public funds in a variety of questionable mitigation projects. The visual impact will be severe, with an additional 9 million acres dominated by a landscape of roads and clearcuts.

The cost of this timber-first bias to taxpayers, local communities, and environmental quality is substantial. In 1988, for example, 62 percent of all national forest timber programs lost money—according to the Forest Service's own Timber Sale Program Annual Report. Total losses, including overhead, amounted to $95.6 million on those 74 forests—again according to the Forest Service. Yet out of more than 70 national forests that year after year fail to recover the Government's cost of offering timber for sale, at least 60 plan to increase the volume of timber to be sold. This will occur despite the fact that the NFMA specifically requires the Forest Service to identify economically unsuitable timberland and exclude it from the suitable timber base.

In the Pacific Northwest region (Washington and Oregon), draft management plans call for the continued liquidation of old-growth forests even before an inventory of those forests is complete. In fact, plans for the nine national forests west of the Cascade Mountains used nine different definitions of old growth to estimate acres of old-growth forest. Habitat for the northern spotted owl, a species that serves as an indicator of the health of the old-growth forest ecosystem, will be cut at a rate of more than 40,000 acres per year in the next decade, jeopardizing the long-term survival of that species.

Arriving at a Timber-First Bias

With more than 70 percent of the national forest system's operating budget going to timber management and the largest source of unappropriated funds coming from timber sales, it is little wonder that the national forest planning process has been skewed in favor of timber production. Timber goals are assigned both by the Forest

Service in its RPA Program document and through the congressional appropriations process where timber sale levels are assigned to Forest Service regions. In the Pacific Northwest region, the assigned levels in fiscal years 1988 and 1989 were higher than even the Allowable Sale Quantities in the region's draft plans.

In order to meet assigned cut levels, Forest Service planners often must incorporate unrealistic price assumptions, aggressive price appreciation rates, and artificially set harvest minimums into planning models. In Wyoming, for example, a minimum cut level of 15.9 million board feet was built into the planning process as a constraint on the Bridger-Teton National Forest. Had that minimum harvest constraint been removed, the Allowable Sale Quantity would have fallen to just 2.2 million board feet. In other words, the preassigned minimum cut forced the model to include 13.7 million board feet of uneconomic timber in the eventual Allowable Sale Quantity. In 1988, the Bridger-Teton lost $982,000 on the 23.3 million board feet of timber cut. Excessive logging has damaged wildlife habitat, diminished opportunities for hunting and other forms of recreation, and degraded pristine rivers and streams. In short, the Forest Service has damaged the economic mainstay of the region—outdoor recreation—for the sake of unprofitable timber.

In North Carolina, the Chief of the Forest Service had to remand portions of the Nantahala-Pisgah National Forest plan partly because it incorporated a minimum harvest level to meet community stability goals. The plan also failed to consider alternatives to clearcutting as required by the NFMA and did not establish objectives for recovery of listed threatened or endangered species. In the southern Appalachians, as in the northern Rockies, the tourism and recreation industry has been damaged by uneconomic and ecologically unsound timber goals.

The advisability of setting minimum harvest levels to assist local mills has long been in question. Misuse of the idea of community stability as a goal in forest planning was the basis of a 1984 decision issued by the Deputy Assistant Secretary of Agriculture remanding Colorado's San Juan and Grand Mesa-Uncompahgre-Gunnison National Forest plans. In its decision, the Department of Agriculture expressed concern that continuing to offer uneconomic timber for sale actually threatened community stability since it was unlikely that the Congress would continue to fund marginal timber programs.

More recently in Colorado, the Rio Grande National Forest management plan became the first in the country to be tested in court. In that case, the Forest Service's treatment of below-cost timber sales and its reliance on a minimum timber cut level were among the issues raised. The district court ruled that the Department of Agriculture's decision regarding the San Juan and Grand Mesa-Uncompahgre-Gunnison National Forests also applied to the Rio Grande National Forest. Specifically, the court held that the agency failed to give sufficient reason for selecting the preferred alternative over other alternatives with lower harvest levels and higher present net values. The court also ruled that the forest's use of excessively high timber prices was unreasonable and cited a "result-biased" process that precluded the consideration of lower timber cutting. The court's decision urged the Forest Service to take a hard look at alternatives that would reduce the cut and mitigate financial losses.

In the Pacific Northwest, timber-oriented land and resource management plans threaten to destroy the remaining old-growth ecosystem. Using the Forest Service's own scientific definition of old growth, the Wilderness Society has shown that less than half of the old-growth forests identified by the Forest Service draft plans actually exist. In addition, the agency's guidelines for managing the habitat of the northern spotted owl, an old growth-dependent species, are so inadequate that they will almost certainly lead to the owl's extinction, a point that the Forest Service admits in its own analysis of the issue. This is contrary to the NFMA's regulations requiring viable populations of native vertebrate species. Conservationists challenged the Forest Service guidelines in court and obtained a preliminary injunction against timber sales in spotted owl habitat. Congress, through the 1990 appropriations process, ordered the Forest Service to reanalyze its spotted owl plan and minimize fragmentation of ecologically significant old growth. Although the appropriations bill moves the agency in the right direction, cut levels are still too high to protect spotted owls, other wildlife, and the many ecological values associated with these forests.

The timber-first bias is especially apparent on the Texas national forests. Populations of the red-cockaded woodpecker—a federally listed endangered species—have shown dramatic declines on these forests in recent years. From 1978 to 1987, for example, these woodpeckers declined by 76 percent on the Sabine National Forest; from 1983 through 1987, they declined by over 40 percent on the Davy Crockett and Angelina National Forests. In all cases, the cause was excessive clearcutting and in-

adequate habitat management by the Forest Service, causing the Texas District Court to find the agency in violation of the Endangered Species Act. During the trial, the supervisor of these national forests acknowledged he did not have enough funding to protect endangered species, but he did have enough to continue the timber sale program.

This litany of uneconomic timber sales programs and failures to fully consider other forest resources in the planning process indicates that timber production is still the tail that wags the dog of forest management. The underlying assumption that timber sales will protect the jobs of timber industry workers and produce stable timber-dependent communities is not credible. Even if the Congress continues funding uneconomic timber programs, it is clear that timber from national forests does not always assure community stability. In the Pacific Northwest, for example, labor productivity improvements have replaced some 11,000 timber industry jobs in Oregon over the past 10 years while harvest levels rose to record levels. Log exports represent the largest single constraint on timber supply in Washington and Oregon, and the overcutting of industrial lands the greatest long-term threat to maintaining those supplies.

Some claim that appeals and lawsuits have caused a timber supply shortage. Yet appeals and lawsuits through 1988 had no effect on the volume of timber sold or cut on the national forests. From 1982 through 1987, the Forest Service sold between 10.7 and 11.3 billion board feet annually across the country. In 1988, the agency sold 11.0 billion board feet. In recent years, the combined average annual sale of Forest Service timber in California, Washington, Oregon, Montana, and northern Idaho was between 7.5 to 7.6 billion board feet. In 1988, timber sales from those national forests totaled 7.8 billion board feet. Even in 1989, the year of the spotted owl controversy in the Pacific Northwest, it is difficult to find a timber shortage. Although timber sold by national forests in Washington and Oregon was down by 44 percent through September 1989, as compared to September 1988, total timber supplies—measured by the volume shipped to mills or ports—remained at levels nearly equal to 1988. In fact, *Random Lengths*, a price and market reporting service, found that timber shipments through July were running just 7 percent less than the prior, record, year for timber cutting. The decrease in timber cut during 1989, according to *Random Lengths*, was due to harsh winter conditions experienced in January and February.

In conclusion, timber production continues to dominate national forest management at the expense of other resources, notwithstanding the objectives of the NFMA. Rather than providing a wise balance of resource use, the new forest plans will do little more than provide the greatest good for the greatest number of timber companies at the expense of a healthy environment. And the taxpayers will foot the bill. The Wilderness Society urges Congress to correct the timber-first bias of the planning process by directing the Forest Service to take the following steps:

• Phase out below-cost timber sales. This can be achieved by removing lands from the suitable base that are not economically or physically suitable for cutting as required by the NFMA. The results will be a significant reduction in environmental damage, an end to taxpayer-subsidized logging, and less need for costly reforestation on steep, fragile lands.

• Reduce road construction. Forest plans should not contain any proposals for construction of "arterial" or "collector" roads. The construction of new local timber access roads should be minimized, and, with few exceptions, these should be promptly obliterated after logging ceases.

• Decrease reliance on clearcutting. Forest plans should adhere to the NFMA directive that clearcutting only be used where it is the optimal logging method.

• Protect ecologically significant old-growth forests. The language contained in the 1990 appropriations bill is a step in the right direction. Protection should be extended and strengthened beyond the fiscal year 1990.

In addition, we urge the Congress to reject proposals that would stymie judicial review of timber sales, forest plans, and enforcement of environmental laws.

[Attachments follow:]

U.S. SENATE,
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC, November 1, 1989.

MR. JEFF OLSON,
Resource Economist, the Wilderness Society, Portland, OR.

DEAR MR. OLSON: Thank you for testifying at the Agriculture and Energy and Natural Resources Committees' hearing on the National Forest Management Act.

Listed below are followup questions that we would like answered for the record by November 18.

1. You recommended that Congress resist efforts to protect final plans from judicial review. At some point however, doesn't it become necessary to protect the completed plans, given that planners can never create a perfect plan?

2. Do you think that current Forest Service regulations adequately address the economic suitability requirements of NFMA?

Thank you for your time in answering these questions. Please send your responses to the Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, SR-328A, Washington, DC 20510-6000 Attn: Cynthia Neuwalder.

Sincerely,

PATRICK LEAHY,
Chairman.

[Responses to followup questions of Senator Leahy and Senator Gorton follow:]

RESPONSE TO SENATOR LEAHY'S FOLLOWUP QUESTIONS FOR THE HEARING RECORD OCTOBER 25, 1989

1. The Wilderness Society recommends that Congress resist efforts to restrict judicial review. The right of citizens to challenge the decisions of Government agencies is a vital safeguard against illegal agency decisions. It has been used by the timber industry, other Government agencies at the State and Federal level, and conservation groups to enforce the laws regarding national forest management and need not be diluted.

Established principles of judicial review of agency action prevent courts from requiring "perfect" plans. Court challenges to forest plans must show that the Forest Service has abused its discretion before it can order the agency to reconsider a plan. The court cannot substitute its own judgment for that of the Forest Service, and the court must give agency decisions great deference. This exacting standard of review protects the finality of the forest plan.

The Rio Grande National Forest management plan decision, cited in my written testimony, provides a clear illustration of the need for protection through judicial review. There the Forest Service planned to increase the timber sale level on the forest, even though it would lose money selling timber, as well as degrade wildlife habitat and aesthetic values. The court remanded the plan only after finding that the planning process was result-biased and prevented the agency from considering lower, more economic timber sale levels.

No plan can be expected to be perfect, it is essential to hold the agency to reasonable compliance with the law. It is for that reason that we urge the Congress to protect citizen rights to appeal agency decisions in court. The fact that the plans produced by the agency have so often failed to meet the provisions of laws governing national forest management simply underscores this need.

2. Forest Service regulations are not only inadequate to deal with economic suitability, they ignore the question altogether. As the regulations currently stand, the Forest Service defines economically suitable lands as those lands selected by the model (FORPLAN) to meet the desired timber sale level. Since many forest plans use minimum harvest levels that are set without regard to economic efficiency, it is quite common to find land included in the suitable timber base that cannot even cover the cost of offering timber for sale. The consequence is a timber sale program that operates at a loss, year after year, on the majority of the national forests. To correct this, the agency should be directed to evaluate economic suitability without regard to predetermined timber sale objectives. Lands found incapable of supporting economically efficient timber management should be excluded from the suitable timber base, prior to running the planning model.

QUESTIONS SUBMITTED FROM SENATOR GORTON FOR OCTOBER 25, 1989, HEARING ON THE NATIONAL FOREST MANAGEMENT ACT OF 1976

Question 1. Should the views of people in Forest Service timber dependent communities be given any greater weight in timber management decisions than the views of those in urban areas of the same State or other parts of the country?

Question 2. How does one weigh the human, career and community values of those who live and work in Forest Service timber dependent communities against wildlife and forest ecosystem values?

RESPONSE TO SENATOR GORTON'S FOLLOWUP QUESTIONS FOR THE HEARING RECORD OCTOBER 25, 1989

Answer 1. The Forest Service has a long history of concern for timber dependent communities. Unfortunately, however, that concern has most often focused on the level of timber harvest, rather than on economic diversification. Economies that are based on single industries have been shown time after time to be inherently unstable. The national forests are a resource, held in trust for all citizens of the United States, and the views of citizens should be given equal weight. The Forest Service would better foster the interests of local communities by managing with greater emphasis on multiple use principles.

Answer 2. The Wilderness Society believes that a healthy environment is in the long term economic best interests of communities. The NFMA mandates a planning process that provides the framework for weighing such important considerations as commodity production and competing multiple use values. Where problems arise, they are often due to failures by the agency to fairly consider interactions between various competing uses. In special cases, such as endangered species, the Congress has determined that Federal land management actions should not come at the expense of resource values other than timber. The human, career, and community values of those living in timber dependent communities are fostered through careful attention to economic diversification and multiple use management.

PREPARED STATEMENT OF DEBORAH BAKER, SOUTHERN REGIONAL DIRECTOR, NATIONAL FOREST PRODUCTS ASSOCIATION, AND EXECUTIVE DIRECTOR, REGION 8 FOREST SERVICE TIMBER PURCHASERS COUNCIL, ATLANTA, GA

I. INTRODUCTION

Thank you for the opportunity to testify today. I am Deborah Baker, executive director of the Region 8 Forest Service Timber Purchasers Council. The council, based in Atlanta, Georgia, is an affiliation of the Southeastern Lumber Manufacturers Association (SLMA), Southern Forest Products Association (SFPA), National Forest Products Association (NFPA), and over 130 member companies who purchase Federal timber in the South.

II. TIMBER FROM THE NATIONAL FORESTS PROVIDE A VITAL PORTION OF THE RAW MATERIALS REQUIRED TO MEET OUR DOMESTIC WOOD PRODUCTS NEEDS

Timber from the national forests and other public and private lands has been in high demand in recent years, driven by the very strong demand for paper and solid wood products in the United States. Between 1984 and 1988, the domestic demand for softwood lumber, the type which frames new homes, averaged 46 billion board feet per year. By comparison, during the housing boom of the late 1970's, annual consumption averaged only 40 billion board feet.

This strong demand reached record levels in 1987 when Americans consumed a record 50 billion board feet of softwood lumber. Last year, consumption remained high—at 48.5 billion board feet. This year, economists project continued strong demand at 46.5 billion board feet. Demand for structural panels such as plywood and particleboard reached similar record levels in 1987.

Although housing starts once provided a reliable indicator of wood products demand, today, the solid wood products market is more complex. In 1986, 18 percent of the domestic lumber consumption and 24 percent of the structural panel consumption went to the repair and remodeling market. Now the do-it-yourself home project with its obligatory trip to the local building supply store drives an increasing portion of America's demand for forest products. This is important to note because it indicates why demand projections remain high even when housing starts are predicted to lag.

Public lands, mostly national forests, comprise 28 percent of the commercial forest land base in the United States—two times the acreage of private industrial ownership. Together with the industrial and nonindustrial private lands, the national forests provide the timber products and other forest resources required by the American public.

In spite of their larger acreage, in 1986 the national forests contributed only 13.5 percent of the total wood fiber produced from public and private timberlands and 18 percent of all softwood produced. The forest plans developed subsequent to passage of the National Forest Management Act of 1976 (NFMA) show that these forests are capable of providing much more.

For example, the national forests of the South and Northeast are only beginning to approach their productive capability. These forests, once heavily cutover and, in some cases, converted to farmland, have recovered under 50 years of management by professional foresters. With improved stocking and healthy growth rates achieved through continued management, these forests are now a valuable source of high quality sawtimber and fiber. As they continue to grow, these forests will increase in value and in their capacity to provide wood products. As the next two speakers will attest, national forests in the West are equally important, with vast acreages of both young and old timber available to help meet our wood needs.

Through forest planning, the Forest Service and the public are attempting to determine how best to balance the sometimes conflicting, often compatible, demands for products and amenities from the national forests. Thus, the forest plans are designed to:

(1) Display the ability of the national forests to provide a share of both commodity and noncommodity resources; and

(2) Determine how national forest lands should be allocated to best respond to the public's issues and demands.

The Forest Service predicts in the 1989 Draft Resources Planning Act (RPA) Assessment that demand for timber products will increase by 47 percent over the next five decades. The forest plans must respond to this growing demand, and to the interests and concerns raised by the public.

III. Development of, and Outcomes Produced by, the Forest Planning Process Have Varied Throughout the Country

The process for development of forest plans has evolved, subject to considerable debate and controversy, over the past 10 years. Throughout this time, appeals have been an integral—perhaps all too integral—part of the process.

Today, more than 10 years after passage of NFMA, 97 of the 123 forest plans are completed. The eastern and southern forests were among the first to be completed, and are now the nearest to resolution in their forest plan appeals. Of these completed forest plans, all were appealed and only half now have all appeals resolved. By contrast, in California, Oregon, and Washington only about one-third of the forest plans are completed, and all of the completed plans remain under appeal. All the plans are final in regions 1, 3, and 4, from the northern Rocky Mountains to Arizona and New Mexico, and a substantial number remain under appeal.

It is important to note that unless a stay is granted, the Forest Service is required to implement the forest plans during the appeal process. However, this becomes difficult as many of the issues raised in the plan appeal are then raised again in appeals at the project level—when the plan is to be implemented. For example, as of October 4, 1989, the South had 219 project level appeals pending, with 193 of which relate to timber. The point is that after 10 years of forest planning we are still in the midst of debate on issues the forest plans should have resolved.

A. The Timing of Forest Plan Completion Often Influenced the Degree of Controversy Associated With Forest Plan Development

One issue that the forest plans were intended to resolve was the land use allocation controversy—left unresolved by the roadless area review and evaluation (RARE and RARE II) studies conducted by the Forest Service in the late 1970's. However, before the forest plans were completed, passage of statewide wilderness bills in the mid-1980's resulted in renewed debate as the question over the development of roadless areas was revisited.

Especially in the Northern and Intermountain regions, as Jim Riley will explain, roadless area entry has been a major issue raised in forest plan appeals. Indeed, to date only 2 out of the 13 plans in region 1 are resolved of all appeals. Furthermore, although all of the region's plans are now final, many implementing project decisions continue to be appealed over the roadless area issue. The Forest Service has even granted stays for timber sales in roadless areas previously released for timber management by the forest plans, even though implementation of the forest plans themselves were not stayed under appeal.

In fact, the Forest Service has done little to resolve the roadless area problem in forest plan appeal decisions, as Jim Riley will attest. Instead, the Forest Service has issued decisions on plan appeals calling for further analysis at the project level, providing an effective means for those opposed to roadless area entry to continue to raise the issue without regard to the decisions made in the forest plans regarding roadless entry.

B. PLANS DEVELOPED LATER HAVE BEEN ENCUMBERED BY NEW ISSUES, OR ISSUES RAISED IN A NEW CONTEXT, WITH NEW STANDARDS FOR REVIEW NOT CONSIDERED DURING NFMA'S PASSAGE

Roadless area entry has not been the only highly controversial issue in recent years. Preservationist appellants have raised issues such as the protection of threatened and endangered species or the enhancement of biological diversity in timber sale appeals. These issues, addressed in laws such as the Endangered Species Act of 1973 or NFMA, were raised anew in appeals this time reflecting broader land allocation issues. For example, appellants raised the issue of road density to debate whether grizzly bear habitat was adequately protected, notwithstanding the fact that it is control of road use, not the existence of a road, that has the greatest impact on grizzly bear habitat. By attempting to reduce road densities, the appellants were hoping to retain released areas in a roadless state.

Similarly, early decisions on forest plan appeals have redefined the standards a forest plan must meet. For example, on July 31, 1985, then Deputy Assistant Secretary of Agriculture Douglas W. MacCleery issued a decision for two administrative appeals which challenged:

(1) The Forest Service's approach to determining timberland suitability; and

(2) The documentation supporting selection of a final plan preferred alternative.

MacCleery's decision provided new direction to the Forest Service governing the determination of suitable lands and the documentation needed with the selection of a final alternative. Although the decision was issued for the appealed San Juan and Grand Mesa, Uncompahgre and Gunnison National Forests Plans in southwestern Colorado, it has since been applied to other forests with a below-cost timber sale program as well. Just last month, for example, the Forest Service Chief ruled on an appeal of the George Washington National Forest Plan that the forest had failed to comply with the requirements of the MacCleery decision.

IV. HOWEVER ONE VIEWS THE PLANNING PROCESS IN QUALITATIVE TERMS, IT HAS RESULTED IN A DEEMPHASIS ON COMMODITY PRODUCTION ON THE NATIONAL FORESTS

A comparison between planned outputs identified in the forest plans and the potential yield of a forest under the previous timber management plans clearly shows a decline in planned timber production from the national forests (see table 1). The Allowable Sale Quantity (ASQ) is the average annual amount of timber planned for sale during the first decade of the forest plans. Nationwide, the total ASQ is 10.8 billion board feet. This is significantly below the total potential yield for the national forests (14.8 billion board feet), or the potential amount that could have been harvested under the previous timber management plans. The ASQ and potential yield are not directly comparable due to differences in definition, however, they provide the most acceptable comparison of harvest levels between the old timber management and the forest plans.

TABLE 1—SUMMARY OF TIMBER DATA FROM FOREST PLANS

	Forest plans		Timber management plans—potential yield (BBF)
	Allowable Sale Quantity (BBF)	Long-term sustained yield (BBF)	
R-1	1.120	1.991	1.567
R-2	439	861	1.032
R-3	442	853	618
R-4	389	634	838
R-5 [1]	1.648	2.088	1.963
R-6	4.034	4.517	5.079
R-8	1.388	3.197	1.730
R-9	897	1.586	1.103
R-10	467	725	881
Total [1]	10.824	16.434	14.811

[1] Total for all forests with draft or final plans—does not include Klamath National Forest, which does not have a completed draft plan.

Through the planning process, the Forest Service also reduced the land base available for timber management by more than 2.6 million acres. This shift in land use,

and the reduced volume available for harvest, clearly reflect the agency's deemphasis of commodity production on the national forests.

It is important to note that the preferred alternatives represent only one management scenario for each forest. In fact, through the forest planning process a range of alternatives were developed for each forest plan. Other alternatives, designed to produce different levels of goods, services, and amenities, could provide even higher levels of timber production (both in ASQ and LTSY) while still meeting all of the environmental protection requirements established for our forest resources.

Indeed, the Forest Service has chosen, through selection of the preferred forest plan alternatives, to provide a lower level of timber production and to enhance noncommodity resources. However, some of the constraints to commodity production built into the forest plans have been less a deliberate choice in response to public involvement, and more a result of discretionary choices made by the agency during steps in which public involvement was sidetracked.

While the agency has undertaken extensive public involvement procedures in the development and selection of the forest plan alternatives, it did not do so for other planning decisions made to define "minimum management requirements" (MMR's)—those requirements needed to ensure that legal requirements and environmental protection standards are met by each forest plan. In addition to not including public participation, the Forest Service did not address or consider alternative ways to meet these legal requirements. Instead, decisions about how to frame the MMR's made by the agency involved considerable discretion and became, in many cases, significant and unnecessarily restrictive constraints upon the development of *all* alternatives for a forest plan.

At this juncture in the planning process, the Forest Service has established a clear pattern in its development and choice of forest plan alternatives: the agency has deemphasized its role as a reliable supplier of commodity values. By developing overly restrictive requirements insulated from review by commodity interests, the Forest Service has not even attempted to strike a more appropriate balance between commodity and noncommodity production.

In fact, the agency has demonstrated through its forest plans that it believes it has no real mandate, and no set of standards, to meet in providing a reasonable share of commodity outputs from the national forest lands. Instead, the present course of management for the national forests has resulted in timber production far below any measure of sustained yield.

This change in emphasis to reduced timber outputs is apparent in the Forest Service's recently released draft 1990 RPA Program, as well. The draft program proposes:

(1) To reduce the Forest Service's share of timber sold to meet future demands; and

(2) To shift the burden for production of timber to nonindustrial private lands.

V. Forest Plans in the Eastern Regions Were Completed Early Under This Emphasis on Noncommodity Values, and Have Been Unable To Meet Even the Reduced Levels of Outputs Called for in the Forest Plans

The forest plans in the East and South were among the first to be completed under this emphasis on noncommodity values. As I already have mentioned, since the first plans were completed in 1985 many have now been resolved of all appeals and judicial challenges. However, even with all challenges resolved, the forests have been unable to meet the production goals of the forest plans. Several factors are responsible for this shortfall, including:

(1) Congressional funding levels;

(2) Appeals of plan implementation decisions; and

(3) In some cases, the development of a confusing method for forest plan implementation.

I believe you are already aware that all too often the Forest Service has been unable to meet its annual Allowable Sale Quantity because of funding constraints. I will turn, therefore, directly to the problem of project level appeals.

A. The production of actual outputs has not matched plan levels due in large part to the continued appeal of implementation decisions

Notwithstanding the debate over the forest plans, many timber sale and other project decisions have been appealed on forests throughout the East. Where such projects have been appealed, the process has at best caused lengthy delays in the agency's ability to offer timber for sale. At worst, some forests have repeatedly with-

drawn timber sale decisions and have not yet offered a new timber sale which can be operated under the forest plan.

As a result, in nearly all cases the Forest Service is behind in its timber sale offerings, and the outlook for many forests next year is bleak. For forests like the Nicolet and Chequamegon National Forests in Wisconsin the timber sale pipeline is now nearly empty. These forests have up to now been able to rely on timber sale issued decisions before the plans were completed in 1986, but these are now running out. Without new timber sales available, and with an appeal process which now takes at least 3 months to complete, the Nicolet National Forest has only enough timber sales left in the pipeline to meet 40 percent of its FY 1990 sale target.

B. MOREOVER, THE FOREST SERVICE IS UNWILLING TO IMPLEMENT THE PLANS

The third problem I mentioned arises primarily in the Eastern region, where the Forest Service has adopted a method for plan implementation which includes subplan levels of analysis with impacts and legal status that are at best unclear. Under regional direction, some eastern forests made broad plan implementation decisions that were successfully challenged as being *too* broad, lacking site-specificity, and covering too long a time period to satisfy National Environmental Policy Act (NEPA) requirements. The process, called opportunity area analysis, did not clearly specify how project-level decisions should be linked to the broader forest plan decisions to meet NEPA and NFMA requirements.

The agency responded to the challenges by clarifying how many decisions may be made, and at what point in time they should be issued, but it did nothing to clarify *how* the decisionmaking process should be corrected to provide a proper link between plan and project. Without clear direction, the forests issued new, narrowly drawn decisions which then were challenged as too narrow, and the agency withdrew the decisions.

This pattern of decisionmaking by trial and error will certainly prevent the affected forests from reaching the goals and outputs called for in the forest plans. By not clarifying the vague direction for subplan levels of analysis used in the region, the agency has improperly demonstrated an unwillingness to meet its requirement—mandated by Congress—to implement the forest plans.

C. IN ADDITION, THE FOREST SERVICE IS APPARENTLY UNWILLING TO USE THE FINAL PLANS AS THE BASIS FOR RESOLVING NEW CONFLICTS THAT ARISE DURING IMPLEMENTATION

Even beyond the agency's inability to implement forest plans as I just described, the Forest Service has now demonstrated a further—and even more disturbing—unwillingness to use its final plans for resolving new conflicts that arise during plan implementation. Instead of proceeding with plan amendment procedures required by NFMA, the agency's regulations and direction contained in the Forest Service Manual and Handbook, the Forest Service has responded to new challenges by adopting interim guidelines or policy changes which conflict with the forest plans themselves.

The Southern region's actions to change management practices for the protection of the red-cockaded woodpecker is a case in point. Under challenge that existing guidelines, approved by the Fish and Wildlife Service, were not adequate to protect the species, the Forest Service altered its management practices throughout the South without:

(1) Complying with NEPA and NFMA procedures for plan amendments; and

(2) Even demonstrating that the new practices would further protect or improve the habitat for the woodpecker.

The agency's complete lack of deference to the forest planning process is of great concern, for it implies that the agency is unwilling to embrace the forest plan as a working tool.

VI. As a Result of These Problems, Implementation of the Forest Plans Is Doubtful Without Some Congressional Intervention

The Forest Service's difficulty in implementing the forest plans has arisen from both within and outside of the agency, as I have described. The problem is largely one of melding two complex—and sometimes conflicting—processes mandated by Congress through NEPA and NFMA. The Forest Service now needs more concise direction on how to implement the forest plans as the logical next step to NFMA.

In summary, the forest plans have failed to meet their intended purpose because:

(1) Appeals of plan implementing decisions have continued to raise issues which the forest plans should have resolved;

(2) Critical planning decisions were made without public involvement and resulted in significant and unnecessarily restrictive constraints to the forest plan outputs;
(3) The Forest Service has adopted plan implementation procedures which utilize confusing levels of analysis that do not properly tie the analysis for implementing projects to the broader land management plan; and
(4) The agency has inappropriately circumvented its own procedures for plan amendment.

Clearly, implementation measures are needed which build upon the foundation provided by the forest planning process. Direction is needed which provides specific guidance on how issues, once decided in the forest plan, may be narrowed at the project level in order to bring closure to the debate. The next two witnesses will provide further examples of the need for closure in the forest planning process.

[Attachments follow:]

U.S. SENATE,
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC, November 1, 1989.

MS. DEBORAH BAKER,
Southern Regional Director, National Forest Products Association, Atlanta, GA.

DEAR MS. BAKER: Thank you for testifying before the Agriculture and Energy and Natural Resources Committees on the National Forest Management Act. Listed below are followup questions that we would like answered for the record by November 18.

1. I asked Mr. Geisinger whether he supported the Leahy-Hatfield colloquy principles. I did not have time to receive your opinion, but would appreciate hearing your views on each principle.

As a reminder, these principles included: (1) Forest resources must only be used on a sustainable basis; (2) Judicial review should only be limited when all parties agree; (3) It appears that disputes should be resolved by neutral third parties; (4) Solutions should be developed through authorizing committees.

2. With increasing pressure to reduce timber harvest levels off of Federal lands, many believe State and private landowners could help supply the Nation's record demand for forest products.

I believe there may be an opportunity to draft a forestry title in the 1990 farm bill to help provide incentives to these State and private landowners.

Would you support a forestry title, and are there any programs that could be included that would be useful to your members in the region?

3. We often hear that uneven-age management practices are viable alternatives to clearcutting for certain hardwood and softwood species.

Given that the Government, not the company contracting to harvest Federal timber, is responsible for managing timber sales, do companies have a strong preference for clearcutting over selective logging practices? If so, why?

Thank you for your time in answering these questions. Please send your responses to the Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, SR-328A, Washington, DC 20510-6000, Attn: Cynthia Neuwalder.

Sincerely,

PATRICK LEAHY,
Chairman.

[Responses to additional questions follow:]

REGION 8,
FOREST SERVICE TIMBER PURCHASERS COUNCIL,
Atlanta, GA, December 1, 1989.

The Honorable PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Washington, DC.
Attn: Cynthia Neuwalder, Room SR-328A

DEAR SENATOR LEAHY: I appreciated the opportunity to testify before the Agriculture and Energy and Natural Resources Committees on October 25. I believe that your hearing on implementation of the National Forest Management Act was very timely, and I urge you to continue oversight on this issue in the next session of Congress.

You asked me to respond for the record to four additional questions. Below and attached are my responses.

I. Support for the Leahy-Hatfield Colloquy Principles

During our panel's testimony, you asked Mr. Geisinger whether he supported the principles embodied in the so-called Leahy-Hatfield colloquy of July 26. You asked me to respond to the same question. I would like to first of all associate myself with Mr. Geisinger's remarks and elaborate with my responses below.

A. FOREST RESOURCES MUST ONLY BE USED ON A SUSTAINABLE BASIS

We concur that forest resources should be used on a sustainable basis. The principle of sustained yield management is one that is central to the management of both industry as well as Forest Service lands.

As Mr. Geisinger's statement for the record clearly indicated, we believe that the present management of the national forests is well below the level that can be sustained in perpetuity. We believe that this is the case in all Forest Service regions, including the Pacific Northwest. I will not reiterate all of the careful analysis on this point that was provided by Mr. Geisinger for the record. I will simply note that:

(1) We concur that sustainability is a principle that is central to the management of national forests; and

(2) The Forest Service should increase timber harvest levels to meet sustained yield production in all regions and on all national forests.

B. JUDICIAL REVIEW SHOULD ONLY BE LIMITED WHEN ALL PARTIES AGREE

We are frankly puzzled by this principle and believe that we must regrettably disagree with its application. This principle seems to suggest that Congress should not act to modify Federal judicial procedures or set the limits of Federal equity jurisdiction unless there is some sort of general unanimity in support of congressional action. Clearly, no legislation is ever unanimously supported. If Congress were to act only when there is unanimity of purpose, Congress would never act.

In recent months there has been, as the colloquy accurately noted, an intense public debate involving the impact of court actions on public lands decisionmaking. As the number and breadth of legal actions and court injunctions have increased, so have suggestions that Congress should intercede to take judges out of day-to-day land management decisions. Such suggestions have generally involved modifications to current judicial procedures to provide for less intrusive—and many would suggest, more equitable—judicial scrutiny of land management agency decisions.

Predictably, such suggestions have been met by counter arguments that legislation of this nature would deprive citizens of inalienable rights, violate fundamental principles of democratic government, and/or raise significant constitutional questions. Implicit in all of these indictments is an assumption that Congress' authority to circumscribe the role and procedures of the Federal judiciary is severely limited by the constitutional separation of powers. We disagree with this assumption.

Throughout the Nation's history Congress has involved itself periodically with the equity arrangements and procedural elements of judicial review. One conflict of similar duration and intensity during the late 1920's and early 1930's offers some useful insights and lessons applicable to today's debate. This conflict involved the actions of corporate management to prevent labor strikes by seeking, and almost always getting, court injunctions against unions. Earlier this year we prepared a brief overview of the deliberations involving congressional control over judicial review that took place during passage of the Norris-LaGuardia Act of 1932. I would like to include this history for the record. Certain elements of today's debate over judicial review of Federal land management agency decisionmaking are very similar to the debate that raged prior to the passage of Norris-LaGuardia.

We do not believe that there is any fundamental distinction between the discharge of Congress' authority to set the limits of Federal equity jurisdiction and any other congressional prerogative. Proscribing legislative action unless "all parties agree" makes no more sense in this area of law than establishing such a standard to govern passage of any other form of legislation. Indeed, we agree with then Harvard University Law School Professor Felix Frankfurter when he stated (as indicated in the attachment) that "for Congress itself to hesitate would seem to be a paradoxical bit of self-abnegation."

C. DISPUTES SHOULD BE RESOLVED BY NEUTRAL THIRD PARTIES

Generally, our industry has been both receptive to, and has actively participated in, efforts to use third party facilitators, mediators, or negotiators to help resolve natural resources disputes on a case-by-case basis. There have been several notable

successes in this area. We willingly entertain these kinds of efforts when we believe there is a reasonable opportunity for successful conclusion to a nagging conflict.

However, there have also been several notable failures in this area. These failures often occur when the necessary predicate or conditions for the successful mediation of a conflict by a third party do not exist.

It is, therefore, difficult for us to either agree or disagree with this principle in the abstract. There will be some cases where we will agree that mediation by a neutral third party is a profitable avenue for exploration because the circumstances suggest that mediation is likely to be successful. Similarly, there will be other cases where such circumstances will not exist, and we would indicate (and have indicated) that such mediation is not likely to be successful and have, on that basis, declined to participate.

Earlier this year, the timber supply crisis in the Pacific Northwest (which, in fact, spawned the July 26 colloquy) was suggested as a situation where mediation would be appropriate. Our industry was approached by members of the Pacific Northwest delegation to this end. We responded by providing the delegation with the principles under which we would participate in such third party mediation. I have attached these to my response for the record. I believe that the five outlined principles generally describe the types of circumstances where third party mediation can be used successfully.

D. SOLUTIONS SHOULD BE DEVELOPED THROUGH AUTHORIZING COMMITTEES

We wholeheartedly embrace the notion that the authorizing committees of the Congress must become more active in dealing with the current timber supply crisis in the National Forest System. We welcome your involvement and appreciate your interest in commencing the oversight process. We urge you to continue to work toward an equitable solution to this problem in the next session of Congress.

At the same time, the so-called "Hatfield-Adams" compromise incorporated in the fiscal year 1990 Interior and related agencies appropriations bill is a compromise that will expire on October 1, 1990. Therefore, it is incumbent upon the authorizing committees to work quickly toward a longer term solution to this problem. Otherwise, the issue will be back before the Appropriations Committees during the debate over the fiscal year 1991 appropriations bill.

II. SUPPORT FOR A FORESTRY TITLE IN THE 1990 FARM BILL

You noted that, "with increasing pressure to reduce timber harvest levels from Federal lands, many believe that State and private landowners could help supply the Nation's record demand for forest products." You further opine that there may be an opportunity to draft a forestry title in the 1990 farm bill to help provide incentives to States and private landowners. You finally inquired as to whether we would support a forestry title, and asked what programs could be included that would be useful to the industry in the South.

At the outset let me state our strongest disagreement with the proposition that State and private lands could help supply the Nation's record demand for forest products in the face of a decrease in timber harvest levels from Federal lands. This simply will not happen.

The Forest Service currently holds over 50 percent of the standing inventory of softwood lumber available in the United States. There is not sufficient inventory on State and private lands to make up the difference if Federal harvest levels are reduced.

On November 15, Mr. Mark Golitz of the Walter H. Weaber & Sons Lumber Company in Lebanon, Pennsylvania testified before the House Agriculture Committee on just this point. I have attached a copy of Mr. Golitz' testimony. Mr. Golitz makes it clear that, while private nonindustrial lands are an important source of raw material supply, they cannot make up the difference in raw material availability created by a reduction of Federal timber sale levels.

Beyond this point, however, there are many programs that could be included in a forestry title to the 1990 farm bill that would be of significant use to our members in the South. We are currently working on specific proposals for inclusion in such a forestry title and hope to submit these to you before the end of 1989. We look forward to working closely with you and the committee on the 1990 farm bill.

III. Are Uneven-Aged Management Practices Viable Alternatives to Clearcutting for Certain Hardwood and Softwood Species?

You asked whether we have a strong preference for clearcutting over selective logging practices and if so why. Coincidentally, Mr. William Snyder of the Fibreboard Corporation testified on just this point at the aforementioned November 15, 1989 House Agriculture Committee hearing. I would like to submit Mr. Snyder's testimony for the record.

Mr. Snyder notes that clearcutting and other forms of even-aged management are important silvicultural techniques which, when used judiciously, can achieve results that simply cannot be replicated using uneven-aged prescriptions. I commend his description of the right times and places for the use of even-aged management to the committee's attention.

I appreciate the opportunity to offer these additional views for the record. If you have any further questions, please do not hesitate to contact me.

Sincerely,

Deborah Baker,
Southern Regional Director,
National Forest Products Association.

[The Congressional Control Over Judicial Review: An Historic Perspective, Negotiations on the Present Timber Supply Crisis, and the prepared statements of Mark Golitz and William E. Snyder, referred to by Deborah Baker in her responses, follow:]

CONGRESSIONAL CONTROL OVER JUDICIAL REVIEW: AN HISTORIC PERSPECTIVE

In recent months an intense public debate has raged involving the impact of court actions on public lands decisionmaking. As the number and breadth of legal actions and court injunctions have increased, so have demands that Congress intercede to restrict judicial review, take judges out of day-to-day land management decisions, and—most specifically—lift existing, and restrict future, injunctions on land management activities.

Predictably, such demands have been met by counterarguments that legislation of this nature would deprive citizens of inalienable rights, violate fundamental principles of democratic government, and/or raise significant constitutional questions. Implicit in all of these indictments is an assumption that Congress' authority to circumscribe the role and procedures of the judiciary is severely limited by the constitutional separation of powers.

Nevertheless, Congress has throughout the Nation's history involved itself periodically with the procedural elements of judicial review. One conflict of similar duration and intensity during the late 1920's and early 1930's offers some useful insights and lessons applicable to today's debate.

In 1932, after 6 years of debate, Congress passed Public Law 72-65, the Norris-LaGuardia Act, a bill "[t]o amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes." The act was cosponsored by Senator George Norris (D-NE) and Congressman Fiorello LaGuardia (D-NY) in order to provide organized labor with the real ability to engage in work stoppages for the purposes of contract negotiations. Prior to the act's passage, management had been uniformly successful in blocking strike calls by seeking and securing court injunctions against striking workers and union leaders.

Congress dealt with this problem by providing, as indicated in the enabling clause of Public Law 72-65, "[t]hat no court of the United States, as herein defined, shall have jurisdiction to issue any restraining order or temporary or permanent injunction in a case involving or growing out of a labor dispute, except in a strict conformity with the provisions of the act; nor shall any such restraining order or temporary or permanent injunction be issued contrary to the public policy declared in this act." The act went on to set very strict time limits on, and circumstances (including bonding requirements) for, granting any form of injunction relief in this area.

In voting for passage, at least three of the questions that the 72d Congress had to address are strikingly similar to issues raised in the current debate over public land management. The congressional response is instructive as we evaluate the different problem before us today.

I. Does Congress Have the Right To Restrict Citizens' Access to the Court?

Report No. 163 accompanying the Senate version of the bill, quoting a then-recent Supreme Court decision, provided a clear congressional response to this question:

"Certainly, it is not a right granted by the Constitution. * * * The Constitution simply gives to the inferior courts the capacity to take jurisdiction in the enumerated cases, but it requires an act of Congress to confer it. * * * A right which thus comes into existence only by virtue of an act of Congress, and which may be withdrawn by an act of Congress after its exercise has begun, cannot well be described as a constitutional right. (*Kline* v. *Burke Construction Co.*, 260 U.S. 226, 233.)" (Report at page 11.)

II. Does Congress Have the Authority To Interfere With Judicial Procedures, or to Limit the Jurisdiction of the Courts?

At page 10, the Senate Report was explicit in pointing out that:

"No one will seriously doubt the right of Congress, under the Constitution, to limit the jurisdiction of Federal courts. The jurisdiction, for instance, of the district courts of the United States is given by act of Congress. All the courts of the United States except the Supreme Court could be entirely abolished by act of Congress, and, while Congress could not give to these inferior courts jurisdiction greater than is provided by the Constitution, it could, on the other hand, within the limits of the Constitution, give to the inferior courts such jurisdiction as Congress in its wisdom deems just. It follows, also, that having given this jurisdiction, it can, by act of Congress, take away all or any part of it. This has been clearly held by the Supreme Court of the United States in *Myers* v. *United States* (272 U.S. 52). At page 130 the Supreme Court said:

"* * * It is clear that the mere establishment of a Federal inferior court does not vest that court with all the judicial power of the United States as conferred in the second section of Article III but only that conferred by Congress specifically on the particular court. It must be limited territorially and in the classes of cases to be heard; and the mere creation of the court does not confer jurisdiction except as it is conferred in the law of its creation or its amendments."

Report No. 669 accompanying the House version of the bill contained a memorandum on the "Power of Congress Over Equity Jurisdiction of the Federal Courts" written for the House Judiciary Committee by Harvard University Law School Professor Felix Frankfurter. Professor Frankfurter concluded that:

"Indeed, real limits on congressional power do derive from the traditional ideas of the proper functions of a court. Independence of judgment must not be interfered with; thus Congress may not, under the guise of a jurisdictional rule, prescribe an arbitrary rule of decision on the merits. (*United States* v. *Klein*, 13 Wall. 128 (1871).) Nor may Congress place finality of judgment in the executive department after a decision by the courts. (*Gordon* v. *United States*, 117 U.S. 697 (1864).) Nor may courts be given the duty of passing upon matters which other branches of the Government are peculiarly adapted to decide. (*Oetjen* v. *Central Leather Co.*, 246 U.S. 297 (1918) (recognition of foreign government), *Keller* v. *Potomac Electric Power Co.*, 261 U.S. 428 (1923) (rate fixing).) These are the types of cases in which the power of Congress over the judiciary has been successfully controverted.

"C. Conclusion.—The power of Congress over the equity powers of the lower Federal courts is implied in congressional power over these courts generally, as exercised in the whole series of judiciary acts, and as recognized by a continuous current of judicial authority. The immunity of Federal equity powers to change is a doctrine for the preservation of uniformity and is directed at the effects of varying State practice; even here, however, some inroads have been made where the State law creates a new 'right.' The authority of Congress to establish a union of law and equity, perversing the right to jury trial where proper, has been recognized by high authority. *Congress has prohibited injunctive relief in certain classes of cases.* The acts of Congress which have been held unconstitutional, dealing with judicial powers, have violated the traditional canons of judicial functions. No act of Congress has been held unconstitutional on the ground that it interfered with Federal equity powers. *For Congress itself to hesitate on this ground would seem to be a paradoxical bit of self-abnegation.*" (Italics added.) (Report at page 16.)

III. Is the Right To Secure Injunctive Relief So Basic That Congress Should Not Prescribe Limits to its Application?

A commonly heard rationale for the availability of broadscale injunctive remedies is their temporary nature. Additionally, it is viewed as necessary to preserve the merits of many public lands cases for meaningful review.

Opponents of Public Law 72-65, of course, made similar arguments. For example, in February 25, 1932 hearings before the House Judiciary Committee, James Emery, counsel for the National Associations of Manufacturers, noted that "we utterly deny that it is universally recognized or that there is evidence of . . . the abuse of injunctions by Judges" (hearing record at page 14). Further, he criticized the bill as "the most remarkable proposition I have ever heard advanced in an attempt to control a court of equity, and we insist that it plainly, upon its face, trespasses upon the inherent power of the court as a part of the judicial power to protect the subject matter before it until it adequately takes care of the situation." (Hearing record at page 17.)

The 72d Congress was largely unmoved by these arguments concerning the nature of—and need for—injunction relief. The Senate Report concluded that "[t]he injunctive process is a harsh remedy . . . That there have been abuses of judicial power in granting injunctions in labor disputes is hardly open to discussion. The use of the injunction in such disputes has been growing by leaps and bounds." (Report at page 8.)

The House Report described the bill as "designed primarily as a practical means of remedying existing evils, and limitations are imposed upon the courts in that class of cases wherein these evils have grown up and become intolerable." (Report at page 11.)

The 72d Congress also railed against a problem becoming increasingly common in public lands cases today—deciding the merits or reaching issues of law in orders granting injunctive relief. The former situation is occurring in challenges to fire salvage timber sales. The latter is becoming more common as preliminary injunctions discuss issues of law in considerable detail. At page 18, the Senate Report criticized these practices at length, noting:

"It has long been recognized by students of law and government that the power to make law and the power to enforce law should be separated as a protection against tyranny. To prevent executive tyranny, the legislative power has been carefully separated from the executive power in our scheme of government and to prevent judicial tyranny it is equally necessary to preserve the separation of the legislative power from the judicial power.

"A warning against the growing exercise of legislative power by the courts in injunction cases was uttered long ago by the great commentator, Blackstone, in the following language:

"In all tyrannical government, the supreme magistracy or the right of making and enforcing laws is vested in one and the same man, or one and the same body of men; and wherever these two powers are united together there can be no public liberty. (1 Blackstone 142.)

"It is amazing to realize that in the last 40 years there has developed in the American courts the practice of writing a special law to fit the individual case by judges in issuing labor injunctions; and that thereupon the judge, who himself wrote the law, has undertaken to prescribe the penalty for its violation and to punish the violator without permitting the accused to enjoy a trial by jury or even to insist upon a trial before another judge. * * *

"There can be no question, therefore, that there has been created, as a result of writing law into injunction orders and then enforcing those orders by the same judge who wrote them without a grant of trial by jury, that condition of uniting the two powers of making and enforcing laws in one person or one body of men wherein, using the language of Blackstone, 'there can be no public liberty.'

"It is difficult to see how any civilized people could indefinitely submit to such tyrannical procedure. It is not difficulty [sic] to understand how such cruel laws, made not by any legislature but by a judge upon the bench, should bring our Federal courts into disrepute. Neither is it difficult to see how such injunctions, violating the conscience of civilization, should frighten persons against whom such injunctions are issued into desperation. What free American citizen is willing to submit to the violation of his sacred rights of human liberty and freedom?" (Report at page 18.)

IV. Conclusion

Despite contemporary claims to the contrary, Congress has:

(1) The responsibility to set the limits of the equity jurisdiction of the Federal courts;

(2) The right to dictate certain judicial procedures; and

(3) In the past, imposed its will on the courts' right to grant injunctive relief in particular classes of cases.

NEGOTIATIONS ON THE PRESENT TIMBER SUPPLY CRISIS

Over the past few days, there have been a number of suggestions for negotiations, discussions, or meetings between industry and environmental group leaders over the present Federal timber supply crisis in the Northwest and elsewhere in the country. Meetings among interest groups involved in contentious public policy issues are almost always helpful, if only to exchange information. Such proposals, therefore, should neither be dismissed out of hand nor discouraged.

However, in the context of the current timber supply crisis five issues need to be considered and addressed before the "parties" to this dispute can engage in much more than a simple information-exchange session.

1. *The timeframe for discussions cannot clearly favor the interests of one side over the other.*—The pending court injunctions in the Pacific Northwest presently have the industry in a distress situation. Meaningful discussions cannot occur when one party can utilize the negotiation process and time period to expand its advantage over the other. Either discussions must reach a conclusion over a very short time period, or there must be some interim agreement designed to eliminate the present timber blockages so that the passage of time is a neutral factor in the process.

2. *The parties to the dispute must be accurately and completely identified, and must be included in any discussion process.*—One real impediment to a meaningful negotiation over an issue this complex is the ability to properly identify and engage all of the parties at interest. Omitting or excluding some of them from any forthcoming meetings or discussions significantly reduces the likelihood that: (1) the parties included in the process can work with any confidence toward issue resolution; and (2) any negotiated, mediated, or consensus outcome will have much efficacy.

3. *The issues in dispute must be accurately and completely identified before discussions can proceed very far.*—When there is considerable confusion over what is at issue (probably the case at present) a single, information-exchange session may be helpful to clarify—although probably not narrow—the issues in dispute. However, before any more substantive discussions can take place, there must be an agreement as to "what is on the table."

4. *For any agreement to be meaningful there must be a clear and common understanding of the nature, degree, and duration of closure associated with the agreement.*—Negotiated solutions to difficult and long-standing conflicts do not often self-execute. Moreover, negotiated solutions to conflicts over the conduct of ongoing programs are the most difficult to sustain. Closure in the context of the present dispute may mean that some parties make current concessions in exchange for concessions from the other parties about their future rights to infringe upon the negotiated, mediated, or consensus outcome.

5. *The context into which any discussions would fit must include ongoing judicial and administrative processes.*—Presently, there are at least three pending legal actions and two administrative actions (e.g., the national forest plans, the Fish and Wildlife Service listing process) that directly affect the matters at issue. These proceedings are the current forums for debate (if not resolution) of the conflict. Their relationship to any new discussion forum must be clearly defined and understood by all parties to each action before substantive discussions can proceed very far.

PREPARED STATEMENT OF MARK GOLITZ, AMERICAN FOREST COUNCIL, RESOURCE FORESTER FOR WALTER H. WEABER & SONS

Good morning. My name is Mark Golitz. It is a pleasure to be invited here today to testify on the issue of timber harvesting systems. I am resource forester for Walter H. Weaber & Sons. I am here today representing both my company and the American Forest Council.

Our company operates the largest hardwood sawmill in Pennsylvania. One of my jobs is to ensure a continuous supply of raw materials for our processing facility. We own no forest land. Therefore, our very existence depends on how private landowners, primarily nonindustrial private forest landowners (NIPF), and public land managers choose to manage their lands.

The American Forest Council is jointly sponsored by the American Paper Institute and the National Forest Products Association. Together, these associations represent more than 2,500 companies throughout the United States engaged in growing and harvesting timber and the manufacturing of timber products.

I. Private and Public Lands Both Have Key Roles in Meeting the Increased Demand for all Forests Resources

The projections made by the U.S. Forest Service in the Draft 1989 RPA Assessment clearly show a substantial increase in demand for all resources derived from our Nation's forests over the next five decades. Domestic demand for wood products is projected to increase almost 50 percent during this 50-year period. World demand for wood fiber is expected to double. During this same period domestic demand for many forms of forest related recreation and nonconsumptive uses of wildlife will more than double. Far and away the most significant recreation demand increases will be in the categories of walking for pleasure, pleasure driving, and picnicking.

The good news is America's forests have the potential to supply future domestic demands and play an important role in meeting global demands. Moreover, this can be accomplished in an environmentally sound manner.

However, there are two significant roadblocks to achieving our potential—conflicts brought on primarily by ignorance or misconceptions. First, there exists the belief that with a limited land base, production of one resource will always limit production of another—the spotted owl controversy for example. Second, there is substantial disagreement over the compatibility of different uses—such as timber harvesting and recreation.

These misconceptions have resulted in numerous highly publicized debates over public land allocation in recent years. This year the Forest Service has proliferated the misconceptions through its Draft 1990 RPA Program. In effect, the Draft 1990 RPA Program proposes a narrow and short-sighted policy of allocating lands by ownership. The Draft RPA Program calls for emphasizing noncommodity uses on national forests while shifting the responsibility for commodity production to the NIPF. The proposal is unrealistic.

The Draft RPA Program significantly advances public misconceptions regarding resource compatibility. In addition, the Draft RPA Program all but ignores the individual objectives and the noncommodity contributions of the NIPF. I have attached for the record a copy of our comments on the Draft 1990 RPA Program.

Private lands provide convincing evidence that forests can be managed for multiple-use; however, production levels of any forest resource—commodity or noncommodity—must be consistent with the landowner's objectives, biologically achievable, and physically possible. If we are to achieve our forested land's productive potential in an environmentally sound manner, professional foresters must have all the silvicultural tools available to them and a reasonable land base on which to work.

II. The Forests of the United States—Both Private and Public—Are Growing Over 60 Percent More Now Than in 1952

Due in large part to intensive management, the forests in this country are growing over 60 percent more wood fiber than they did in 1952. Since 1952 our reforestation commitment has intensified; industrial and nonindustrial landowners now plant over 6 million trees per day and are utilizing harvesting methods that promote natural regrowth.

Harvesting techniques and silvicultural systems have been developed which improve the growth and health of timber stands while protecting or enhancing the other forest resources.

Substantial advances have also been made in the area of genetics—finding trees which grow faster and are resistant to disease and insects. This dramatic increase in production illustrates the commitment on the part of public and private land managers to respond to increasing demand.

III. It Appears That Demand for all Forest Products Will Exceed Our Current Commitment to Production

The commitment on the part of the Forest Service to meet domestic and global demands for wood fiber appears to be waning. Nowhere is this more evident than in the agency's long-range plan proposed in the Draft 1990 RPA Program. While facing a nearly 50 percent increase in demand for fiber over the next 50 years, the Forest Service appears unable or unwilling to fully implement its land management plans.

Instead the agency would have NIPF's increase their level of fiber production by approximately 80 percent over the next five decades.

It appears that the agency is convinced that public lands provide the only opportunity for supplying increasing recreation and wildlife demands—that forests must increasingly be allocated for either commodity or noncommodity production.

The agency appears to be unwilling to recognize that harvesting methods can be integrated with other resource values. The agency has clearly failed to:

(1) Recognize the diverse individual objectives of the 10 million NIPF's;

(2) Consider the biologic, physical, financial, and regulatory constraints on the NIPF; and

(3) The contributions the NIPF can make to fulfilling the demand for noncommodity goods.

IV. Private Lands Are Testimony To How Forests Can Successfully Be Managed for Multiple-Use

The American Tree Farm System is an excellent example of how landowners voluntarily provide multiple resource benefits. The American Tree Farm System is a nationwide community of just over 60,000 landowners linked by a desire to manage their woodlands effectively. Effective management includes producing a continuous crop of trees to supply our Nation's wood products needs, and simultaneously maintaining the forest to be aesthetically pleasing and beneficial to wildlife. Tree farms play a valuable local role in providing watershed protection and wildlife habitat, and often offering recreational opportunities for members of the local community.

For example, Murray Lloyd, southern regional outstanding tree farmer, is an environmental attorney and managing partner for the Tree Farm that his family has owned for four generations.

He is active in both the Louisiana Forestry Association and the Sierra Club. Mr. Murray likes to point out that "responsible timber management and responsible environmental protection are not mutually exclusive; they are mutually dependent—it's called being a good steward."

Mr. Lloyd manages his family's more than 4,000 acres, located in both Louisiana and Texas, according to a comprehensive management plan aimed at increasing timber and revenue while protecting and enhancing wildlife, water, and aesthetics. He practices multiple-use forestry, leasing part of the farm for hunting, and opening other areas to public use. He is working to include areas of the Tree Farm in Louisiana's wildlife refuge program as well.

The State of Pennsylvania is actively promoting the growth of the timber industry within our borders through the recently formed Hardwood Development Council. The goal of the council is to increase employment in the State through the forest products industry. This effort will require participation by both public and private lands to meet the increasing demand for raw material.

In order to help fulfill the increase my company sponsors the Tree Farm Family Program. The professional forestry staff of the Walter H. Weaber Company assist nonindustrial landowners in developing and implementing management plans for their property which are tailored to the individual's objectives.

These plans include practices to enhance wildlife, protect water quality, and harvesting methods to ensure that the productive capacity timber stands are maintained or enhanced.

V. Harvesting Systems Are Designed To Work in Concert With Natural Ecological Processes

Our foresters recommend and utilize the full range of harvesting methods depending on the type, age, and vigor of the timber stand—and of course the objectives of the landowner. Harvesting ranges from single tree selection to clearcutting.

Our timber stands, like much of the Northeast, are primarily hardwoods. The most valuable stands are comprised of an oak/hickory mix. As these stands age from seedling to maturity, they respond very well to single tree selection or thinning harvesting methods. In fact, I would estimate that 70–80 percent of Pennsylvania's harvests are accomplished through methods other than clearcutting.

However, once these oak/hickory stands reach maturity large openings must be made in the canopy to promote natural regrowth and the new forest to reestablish itself. In the past these large openings were created by natural fires, insect and disease attacks, or other natural events.

Today professional foresters use the clearcutting harvesting method as a tool to start the new forest cycle.

This is just one regional example of how different harvesting systems are utilized. In much of the South clearcutting is used extensively to maintain the pine stands and emulate natural events—although never as dramatic as major events such as Hurricane Hugo. In addition, clearcutting is utilized in the South to control the destructive effects of the southern pine beetle.

VI. Conclusion—We Have the Ability To Meet the Future Demands for all Forest Resources Through Intensive Forest Management

It will require a holistic approach to achieve the potential of the forest lands of this Nation—to supply both domestic and our share of the world demand. The forest products industry and the nonindustrial private forest landowner demonstrate the ability to aggressively implement programs which provide both commodity and noncommodity resources.

The Forest Service and Congress must both recognize that private lands cannot and should not do it all—and recognize the nonbiologic factors limiting resource production from private lands. These factors include:

(1) Local and State land use regulations—some townships in Pennsylvania have restrictions which serve to preclude timber harvesting;

(2) The lack of fair capital gains treatment;

(3) Size of ownership—NIPF ownerships are fragmented, some no more than 1 acre in size;

(4) Accessibility;

(5) The low level of understanding of forest management by landowners and public officials; and

(6) Individual landowner objectives.

In order to complete the future resource demand equation it will take commitment to production from all ownership categories. It will take professional foresters being able to apply the full range of harvesting methods and silvicultural practices—assurance that all the appropriate tools of the profession can be utilized. Moreover, it will take the Forest Service providing leadership in dispelling misconceptions regarding the compatibility of various land uses to ensure an adequate land base from which to produce all forest resources.

Thank you for the opportunity to testify. I will be glad to respond to any questions.

National Forest Products Association,
Washington, DC, October 3, 1989.

Ms. Jo A. Bridges,
Public Affairs Office, USDA Forest Service, Washington, DC.

Dear Ms. Bridges: The National Forest Products Association (NFPA) and American Forest Council (AFC) appreciate the opportunity to comment on the Draft 1990 RPA Program. This draft document is a significant improvement over past RPA Programs, in that it is much easier to read and comprehend. However, we believe significant modifications are necessary for the final document to be a useful national planning tool.

Together, NFPA and AFC represent over 750 forest product companies and allied organizations throughout the United States. The RPA Program, combined with the RPA Assessment, chart a 50-year course for both the public and private forest lands of the United States. The Final RPA Program, although a recommendation for a Forest Service long-term strategy, will significantly affect each of our members. The strategy which is implemented by the Forest Service will determine both the manner in which private lands must be managed, and our ability or inability as a Nation to supply future public demands for forest resources.

The strength of our Nation is dependent upon our ability to produce a continuous supply of natural resources from the forested lands of the United States. The projections made by the U.S. Forest Service in the 1989 Draft RPA Assessment clearly show a substantial increase in demand for all resources derived from the forest over the next 50 years. The Draft Assessment also illustrates that the forested lands of the United States have the ability to meet these future demands.

We offer the following specific comments and suggestions on the Draft Program:

I. The Draft Program Does Not Illustrate How It Responds to the RPA Assessment

From the information presented, the reader has no way of measuring how responsive any of the proposed strategies are to the findings contained in the Draft Assessment. Figure 6.18 (page 148) represents a weak attempt at best. Text, figures, and tables must be added which clearly illustrate how each proposed strategy affects lands and resources on non-Forest Service ownerships. Specifically, the final program should show what levels of production other ownerships—both public and private—will have to achieve based on Forest Service production and national demand projections in the RPA Assessment.

Evaluating the Draft RPA Program Strategies based on the findings of the Draft RPA Assessment is, in many cases, impossible because different units of measure are used. For example, the Program shows harvest levels in billion board feet while the Assessment uses billion cubic feet.

Moreover, the lack of a *Final* RPA Assessment limits our ability to intelligently comment on the Draft Program. For example, many of our specific comments on the RPA Program are tied directly to the findings in the RPA Assessment. These comments may be rendered moot if the data presented in the Final Assessment is significantly different from that presented in the Draft. In the future, the Forest Service should ensure that the Final Assessment is released well in advance of the Draft Program.

II. The Role of Nonindustrial Private Forest Land (NIPF) Proposed Throughout the Draft RPA Program Is Unrealistic

The Forest Service clearly prefers a strategy which places the emphasis for commodity production on NIPF. The Forest Service's proposed future roles, together with the five strategies put forth, indicate an increasing emphasis on producing noncommodity resources on national forests and transferring the responsibility for meeting the increasing demand for timber and other commodity resources to private lands. Four of the five strategies would maintain or minimally increase current harvest levels on national forests; however, these increases are not proportional to the RPA Assessment projected demand increases.

More importantly, the resultant levels of commodity production of NIPF are not realistic or achievable.

Even under the highest harvest levels proposed for national forests (Strategy 3), the 256 million acres of NIPF in 2040 would have to grow and harvest about double what they do today. The attached graph (figure 1) illustrates the significant amount of harvesting required from NIPF to supply the public's demand—even with the 24 percent harvesting increase proposed for national forests in the RPA Assessment. In 2040 every acre of NIPF would have to be as productive as industrial land is currently (table 1). Under any strategy NIPF lands would be producing almost twice as much per acre than the 85 million acres of national forests designated as timberlands.

In promoting NIPF as the panacea to future timber supply, the RPA Program apparently fails to consider the demographics and priorities of the individual landowner. A high percentage of NIPF lands are small, making investment in forest management inefficient. In addition, over 50 percent of NIPF landowners are more than 57 years old, indicating that a significant number of these parcels will become even smaller through estate sales over the next 10–15 years. In addition, many NIPF lands are adjacent to or within urban areas, and are therefore, increasingly subject to local and State ordinances which restrict the ability of the private landowner to manage their land for timber production. Finally, maximizing timber production is not a priority to many NIPF landowners. A recent survey of NIPF landowners conducted by the Outdoor Recreation Commission found that 99 percent listed "leasing for recreation" as the most important use of their lands, while 62 percent had turned down offers to lease the timber rights.

The RPA Assessment shows that the forms of recreation which will increase in demand and most over the next five decades are driving for pleasure, walking for pleasure, and picnicking. The wildlife demands which will increase the most during this same period are cold water fishing and nonconsumptive uses. These public demands are clearly compatible with NIPF objectives, yet the Draft Program fails to recognize this.

The nostrum proposed in the Draft Program to ensure the unrealistic NIPF harvest levels is the Forest Service State and Private Forestry Program (S&PF). S&PF is effective in promoting good forest management on private lands; however, the Draft Program gives the erroneous impression that "x" dollars to S&PF will result

in "y" increase in timber production from NIPF. We are aware of no direct relationship between funds invested in S&PF and private timber investments.

History demonstrates that simply because forest management of NIPF may earn 4 percent or better net of inflation, landowners do not automatically make these investments.

Forest investments are notoriously risky and there are many alternate investments which pay a comparable or better return. History also shows that landowners cannot be "educated" or simply exhorted into making investments in intensive forestry. S&PF should seek independent evaluations of the effectiveness of its programs and incorporate the findings in the RPA Program.

There are numerous key issues related to NIPF and future resource supply which should be, but are not evaluated in the Draft Program, such as:

(1) The effect of tax treatment for forest landowners on timber supply;

(2) The willingness of nonindustrial forest landowners to increase timber harvesting in light of changing management objectives and demographics;

(3) The ability of private forest landowners to provide noncommodity resources; and

(4) The effects of present and future Federal, State, and local land use restrictions.

III. The Range and Scope of Strategies Must Be Expanded

There are at least two additional strategies which should be developed to fully illustrate highly probable and realistic futures or impacts. One strategy should explore the impacts of a continued budget as in Strategy 1, but with an emphasis on responding to the findings of the RPA Assessment as in Strategy 4. The second additional strategy would represent a comprehensive nationwide forest resource (CNFR) strategy by expanding Strategy 3 to include an emphasis on responding to the RPA Assessment.

Currently, the five strategies proposed in the Draft Program appear to have been developed in a vacuum—without regard for how the Forest Service should most efficiently fit into a nationwide response to the RPA Assessment. A CNFR strategy would: first, consider our comments regarding NIPF to develop a realistic nationwide strategy for all forested lands to supply the demands projected in the RPA Assessment; second, determine the appropriate role of the Forest Service within the nationwide strategy; and finally, identify the effects of RPA Program proposals on lands other than national forests. This holistic approach to developing an RPA Program is clearly what the Congress intended when it enacted the Renewable Resources Planning Act.

IV. The RPA Program Lacks an Assessment of the Effects of its Strategies on Regional, National, and Global Economies and Objectives

In its present form, the Draft focuses on how future demands and supplies affect Forest Service programs. The Draft lacks adequate analysis and discussion of how national forest outputs will influence such issues as:

(1) The balance of trade;
(2) Regional employment;
(3) Regional and national economies;
(4) Affordable housing; and
(5) The cost of stumpage.

Without a thorough analysis of these and other important issues, Congress lacks the information necessary to ensure the strategy adopted for the Forest Service is consistent with national goals or other national objectives, outside the purview of the Forest Service, which effect forest management.

The economic analysis contained in the Draft Program is suspect. The values for commodity resources are derived from actual receipts, this is in sharp contrast to the methodology applied to develop noncommodity values. Noncommodity values are based on a series of assumptions using hypothetical "willingness to pay" criteria. From the standpoint of these resources being publicly owned, the "willingness to pay" concept may be distorted or at best unknown.

Where the program uses indirectly developed estimates for noncommodity values, it must identify where indirectly determined prices are applied in the analysis and program results. Further, the relative quality or certainty of these estimates must be clearly explained as well as the methodology for their derivation. The authors should include such a description before explanation of the RPA strategies. This description of price estimation techniques must be clear and understandable to the lay reader. In "An Improved Framework for Estimating RPA Values," by Peterson et

al. (1987), a reference which forms the basis for much of the programs economic analysis, a strong, clear caveat is given in the application of indirectly determined prices. Peterson notes on page 8:

"Published RPA values should be accompanied by an explanation of how they were derived and a statement of the specific questions to which they are and are not applicable. When values are not accompanied by such information, there is potential for misapplication."

The RPA Program fails to provide this caveat and leads its readers, especially the lay person, to misguided conclusions.

The program makes additional unsupported assumptions in developing prices for application in the program analysis. The authors assume that only timber supplied from the national forests has the ability to influence prices in regional markets. The potential influence of national forest on regional prices for recreation is never recognized. In many regional markets, Forest Service lands and permitted facilities provide the majority, if not all, of the opportunities for recreation. Downhill skiing in the Western States provides an example of this type of market dominance.

Another assumption which draws the analysis into question is the assignment of "on-forest" prices. Timber stumpage is valued on-forest as standing stumpage, while recreation benefits are incurred on-forest during the activity. This comparison relates wholesale prices for timber with final value added products consumed by recreationists. A more accurate comparison would compare the prices for the two products at a similar point in their value development.

While a great effort by the authors and Forest Service researchers in recent years helped improve the estimation of noncommodity prices and consumer surplus, additional analysis needs to be performed on both consumer and producer surplus accounting stances before the RPA methodology can be considered complete.

The program appendix F briefly discusses how the program analysis was framed to address questions of economic equity and efficiency. The program concludes that the analysis should focus on efficiency analysis rather than equity questions and structured the analysis accordingly. This approach is shortsighted in that one of the primary purposes of the RPA Program is to develop a base or framework for asking equity oriented questions in the political arena.

V. The RPA Program Findings and Analyses Require Additional Documentation and Explanation

Many of the key findings, such as projected recreational use, employment figures, and present net values, are not possible to validate without additional documentation. Other findings require additional explanation. For example, the employment projections under each strategy do not show the average salary per job or the regional breakdowns. Also, there is no measure as to how the program responds to the increasing demand for specific forms of recreation identified in the RPA Assessment.

Tables should be added to the text which illustrate how each strategy provides for future commodity and noncommodity resource demands. These tables should be broken down by decade to identify potential short-term shortages or surpluses. Text and tables should be added which explain where, if not on national forests, the demand will be supplied—and if demand can be supplied.

The documentation and text is weak in its description and discussion of resource interaction and compatibility. The analysis contained in the Draft Program should, but doesn't appear to, reflect this interaction and compatibility. Those readers lacking a resource management or biological background could erroneously, for example, perceive that resources such as hunting, fishing, and recreation are excluded by timber management.

The Final RPA Program must include a discussion on:

(1) The inability of the Forest Service to fully implement Forest Land and Resource Management Plans;

(2) Current environmental issues, such as the spotted owl, and their effects on future national forest harvest levels;

(3) Long-term environmental issues and the potential of the national forests to achieve projected harvest levels; and

(4) The impacts to the Nation if harvest levels are reduced on national forests.

VI. Summary and Conclusion—the RPA Program Must Be Responsive to the RPA Assessment

The Draft 1990 RPA Program must be modified to clearly illustrate:

(1) How the Forest Service responds to the specific national demands projected in the RPA Assessment, and

(2) The effects of the RPA Program strategies on forested lands other than national forests.

Simply stated, to be useful, the 1990 RPA Program must identify the role of the Forest Service in achieving a nationwide long-term strategic plan to supply the natural resource demands projected in the RPA Assessment.

We are supportive of the RPA Program process, and will continue to work with the Forest Service to establish the RPA Program as a useful and credible document. We appreciate the opportunity to comment.

Sincerely,

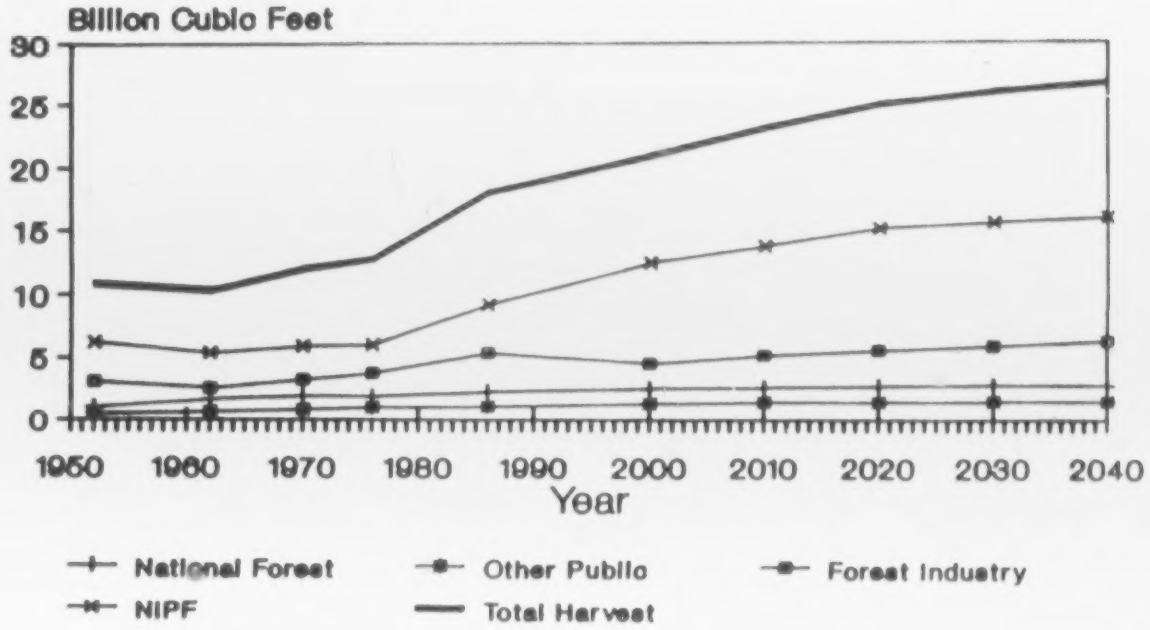
BARRY CULLEN,
President, National Forest Products Association.

LAURENCE WISEMAN,
President, American Forest Council.

[Figure 1, Total Timber Harvest by Ownership, and table 1, Harvest/Production Per Acre Per Year, from 1989 RPA Assessment, follow:]

Figure 1

Total Timber Harvest By Ownership



Source: USDA, Forest Service 1989 Draft RPA Assessment

TABLE 1.—HARVEST/PRODUCTION PER ACRE PER YEAR

[Cubic feet]

	1986	2040
USFS	26.8	34.5
Other Public	21.7	30.6
Industry	77.6	90.2
NIPF	33.3	62.5

PREPARED STATEMENT OF FIBREBOARD CORPORATION, CONCORD, CA, SUBMITTED BY WILLIAM E. SNYDER, CHIEF FORESTER FOR FIBREBOARD CORPORATION'S OPERATIONS AT STANDARD, CA

Re: Timber Harvesting Systems.

INTRODUCTION

Mr. Chairman and members of the subcommittee, I am William E. Snyder, chief forester for Fibreboard Corporation's operations at Standard, California. I have been a practicing forester for 17 years. My responsibilities with Fibreboard include management of some 70 thousand acres of company-owned timber in the Sierra Mountains of central California. Because Fibreboard purchases a substantial volume of Federal timber, I have also been actively involved in many public timber issues.

Given the forest types where we operate, Fibreboard is able to reduce dependence on even-aged harvest methods, such as clearcutting. We practice little clearcutting on our own lands. We also believe that the reliance on clearcutting within the national forests could be reduced in many places without corresponding reductions in timber yields, if the public is willing to accept management on a larger forest land base.

However, and let me underscore this, clearcutting and other forms of even-aged management are important silvicultural techniques which, when used judiciously, can achieve results that simply cannot be replicated using uneven-aged prescriptions.

Before elaborating further on these points, let me provide the subcommittee with some background information on Fibreboard and the western national forests upon which companies such as ours are dependent for most of our raw material supply.

BACKGROUND INFORMATION

FIBREBOARD CORPORATION

Fibreboard Corporation manufactures lumber, hardwood plywood, molding and millwork, agricultural container components, precision-molded industrial insulation and fireproofing materials. Major wood products facilities are located at Standard, Chinese Camp, Wallace, Turlock, and Fresno, California, and at Roxboro, North Carolina. Fibreboard also owns a major destination ski resort in the Tahoe area.

Fibreboard traces its origins back to 1870 through predecessor companies. Fibreboard Products was formed in 1927 as a joint venture. In June 1978, Fibreboard was acquired by Louisiana-Pacific Corporation and remained a wholly owned LP subsidiary for 10 years. In June 1988, Fibreboard reemerged as a publicly owned company. The common stock of Fibreboard Corporation is traded on the American Stock Exchange.

In December 1988, top management of Fibreboard announced a major strategic operational restructuring plan designed to focus the company's efforts on its core business strengths, namely providing value-added products to specialty niche markets in both wood and insulation products. In the past year, the company has made substantial progress in this effort.

Fibreboard currently has a total of about 1,400 permanent employees in 16 plants and facilities in 6 States, including California, Colorado, Texas, Louisiana, North Carolina, and West Virginia.

As outlined below, the wood products facilities owned by Fibreboard Corporation are heavily dependent on timber harvested from the national forests. We are, therefore, very interested in all issues affecting the Federal timber supply in States such as California.

• The National Forest System is the single most important source of timber in the Western States.

As members of this subcommittee know, some 737 million acres of land within the United States are forested. Approximately 60 percent of these forest lands are classified as commercial timberland because they are capable of producing at least 20 cubic feet per acre per year and are not withdrawn from timber production.

Of the total timberland base, 58 percent is owned by some 10 million landowners who do not also own wood products manufacturing facilities. We often refer to these lands as the "non-industrial" private forests. Another 14 percent of America's forests are owned by companies who operate sawmills and other forests products plants, and are referred to as the "industrial" forests. The remaining 28 percent of our forest land is held in trust for the public. Most of these forests are managed by the Federal Government for the forest owners, the people of the United States.

The 10 million owners of the nonindustrial private forests hold these lands for a variety of reasons. Some individuals practice active forest management, thinning their stands to promote accelerated growth of the remaining trees and removing mature trees before they succumb to fire, insects, or disease. Others do not subject their land to silvicultural treatment, choosing instead to "let nature take its course."

I do not subscribe to the latter philosophy, primarily because of the risks it poses for wholesale forest destruction due to natural catastrophes such as the 1988 Yellowstone fires. However, the fact that some private forest land owners choose to exclude timber cutting underscores just how important the Federal forests are as a source of wood fiber for lumber, plywood, paper, and all the other products demanded by American consumers.

Let me use California as an example. California contains some 16.5 million acres of forest lands that produce at least 20 cubic feet per acre per year and are available for timber production. Approximately 8.7 million acres (53 percent) are managed by the Forest Service. Another 698 thousand acres (4 percent) are managed by other Federal agencies and the State of California. Some 3.4 million acres (21 percent) are owned by nonindustrial parties and 3.8 million acres (23 percent) by companies, such as Fibreboard, that manufacture wood products.

Mr. Chairman, without a steady supply of logs from the national forests, California's wood products facilities would operate at only a small fraction of capacity. In Fibreboard's case, about 80 percent of the timber consumed in our mills comes from the national forests. Of the remaining 20 percent, we grow approximately 17 percent on our own land and purchase 3 percent from local timberland owners.

Believe it or not, Fibreboard is among the lucky. *Many other companies operating in California and other Western States are virtually 100 percent dependent upon national forest timber.*

Initially, most Federal timber purchasers viewed the planning process instituted by the Forest Service pursuant to the National Forest Management Act of 1976 as an opportunity to bring rational decisionmaking to the National Forest System. We hoped that the forest planning process would produce permanent land allocations, reliable resource outputs, and public acceptance of timber harvest methods on the lands available for timber management. So far, our hopes have *not* been realized.

• Federal timber is becoming more important each day.

Mr. Chairman, Federal timber is becoming increasingly important to us. With each day that goes by, more nonindustrial private forest land is divided by inheritance or purchased by individuals who hold the land for reasons other than timber production.

As a consequence, contributions from the nonindustrial lands to the overall timber supply continue to decline. The California Department of Forestry recently published findings to this effect in its report entitled "California Forests and Rangelands: Growing Conflicts Over Changing Uses." This report estimates that timber yields from the nonindustrial private forest lands will continue to decrease, even as standing timber inventories increase from this forest land classification.

Therefore, it is essential that the Federal timber base be maintained, that it be intensively managed for a wide array of resource outputs, and that it be dedicated to resource production.

The Myth of the Disappearing Forest

For many years, preservationists have been pursuing an argument which says essentially that America's forests are disappearing. Even though it is totally false, this "vanishing forests" argument has been used to justify wilderness set-asides and other limited-use designations. Like other emotional appeals, this campaign predicts that "unless we act quickly," something "precious and irreplaceable"—our forests—will be lost *"forever."*

Preservationists always cast this argument in the classic mold of good versus evil: the good environmentalists vs. the bad timber companies; the defenders of the public interest vs. the profit-hungry special interests.

In this context, clearcutting is a wonderful boogeyman. If you want a wilderness area or a wild and scenic river designation, dig out an old photo of a clearcut. In its immediate post-harvest state, a clearcut looks "bad" to virtually everyone. What is absent are pictures of that same area taken several years later—when new trees are flourishing. This one-sided view has permitted preservationists to compile an impressive string of legislative victories.

They have also been winning in the court of public opinion. Clearcutting remains controversial in part because the public has accepted the falsehood that clearcutting results in forest destruction. This viewpoint has been perpetuated through a careful strategy of disinformation. I characterize this strategy with two words—ignore and forget:

- Ignore the law; forget the fact that clearcuts must be promptly replanted.
- Ignore science; forget that even-aged forest management is desirable if certain tree species are to rejuvenate properly.
- Ignore history; forget that Congress has made it illegal to clearcut on steep mountainsides, near lakes and streams, or in other places where it is clearly inappropriate.
- Ignore logic; forget that clearcutting is the human equivalent of natural phenomena such as wildfire, insects, and disease.
- Ignore the impressive record of reforestation by the Forest Service and the forest products industry; forget that net annual growth drastically exceeds removals.

To many preservationists, the choices are simple: "forest destruction vs. forest preservation—clearcutting vs. no cutting."

Mr. Chairman, companies which are privileged to be permitted to harvest timber from the national forests are going to have to do a better job convincing the public that the forest lands held in trust for the people of the United States are *not* disappearing. At Fibreboard, we are committed to getting out that message.

In that regard, we have been particularly impressed by the advertising campaign launched recently by the American Forest Council (AFC). In these advertisements, the AFC makes it clear that America's forests are not vanishing, but are in fact growing at a faster rate than they are being harvested. Hopefully, the public will come over to our side eventually. The AFC campaign is certainly a step in the right direction.

Suggestions From a Professional Forester

• On lands designated for timber management, or where timber is one of a number of land uses, the Forest Service should strive to use the most efficient harvesting and regeneration methods.

On private land, landowner objectives determine the appropriate harvesting and regeneration techniques for any given site. On Federal lands, options for achieving specific goals (such as high timber yields) have been limited by other considerations. The development of the guidelines on clearcutting by the Senate Public Lands Subcommittee under the leadership of Senator Frank Church in 1972 and inclusion of the Church guidelines within the National Forest Management Act are good examples.

However, it is important to remember that both even-aged and uneven-aged timber harvest methods are patterned after nature. As discussed earlier, clearcuts produce effects similar to natural occurrences (such as wildfires), and allow favorable regeneration of many species. Other forms of even-aged timber management, such as shelterwood and group selection, also mimic natural phenomena.

As I noted before, some species of pine, fir, or hardwoods will not reproduce well in shade and it is thus more effective to make large openings and regenerate by planting seeds or seedlings. From a purely scientific standpoint, selective logging is not appropriate in every case.

• **Clearcutting is an important silvicultural tool and should continue to be used by forestry professionals.**

Clearcutting is carefully regulated. The Forest Service imposes strict management requirements to mitigate the effect of clearcutting on soil, water, and wildlife. Streamside buffer zones, rules limiting timber skidding patterns, and the retention of snags and nest trees are examples.

In addition, even-aged management, including clearcutting, can be used effectively to meet landscape management objections. Examples include opening up scenic vistas along roads, or shaping clearcuts to look like natural forest openings.

While we appreciate the subcommittee's interest in this subject, we would note for the record that Congress debated at length the appropriateness of clearcutting prior to enactment of the National Forest Management Act. Resolution of the issue came in the NFMA requirement that the Forest Service must justify the use of clearcutting before permitting it to take place.

We think that the existing statutory regulation of even-aged forest management techniques is sufficient. We do not believe that additional statutory requirements are necessary at this time. However, as outlined below, we do feel that the Forest Service could deemphasize the use of clearcutting in some specific situations.

• **Clearcutting should not be viewed as the only cost-efficient method of timber management.**

Mr. Chairman, Fibreboard has amassed an impressive body of data concerning the benefits of uneven-aged timber management prescriptions. Experience with our own forest lands (where uneven-aged management predominates), indicates that acceptable forest growth and timber yields can be achieved on mixed-conifer sites using only selective harvests.

As a result of our observations, we believe that the growth and yield projections used by the Forest Service during preparation of the Stanislaus, Sierra, and Sequoia Forest Plans greatly underestimate the cost-effectiveness of uneven-aged timber management for some forest types.

In their defense, Forest Service officials have had to use old timber inventory data in many cases. However, there is no excuse for the inappropriate application of timber yield tables for unmanaged forest stands to stands managed using selective cutting, a practice we have observed on more than one forest in California.

• **The Forest Service should try harder to accommodate competing forest users.**

To me, and to those in my profession multiple-use means sharing the forest. It means never forgetting that a stand of trees is more than standing timber.

Much of the fighting among forest users is unnecessary; much of the controversy results from U.S. Forest Service attempts to zone the forests and thereby segregate forest users. We need a new management philosophy, one with harmony and coordination as the touchstones.

I am not suggesting that every single acre of national forest land ought to be available for every conceivable use. However, I believe that the Forest Service could do a much better job reconciling the concerns of competing forest users. As detailed in the next section of this statement, one way to do that would be to spread timber management activities across a greater portion of the forest land base.

CONCLUSION: FIBREBOARD'S POSITION ON TIMBER HARVEST METHODS

Mr. Chairman, Fibreboard Corporation has the following thoughts about timber harvesting practices:

• On land owned by Fibreboard Corporation, we use the harvesting method that is most silviculturally appropriate for the timber type to be removed and replanted. However, given our local forest types, we have been able to keep the use of clearcutting and other even-aged techniques to a minimum. All else being equal, we will choose selective cutting over clearcutting.

• On land managed by the U.S. Forest Service, we believe a similar policy is possible if the public is willing to accept certain tradeoffs. That is, more land must be made available to meet timber targets and produce other forest outputs if clearcutting is not used. In addition, a more thorough national forest road network will be required.

• On the best Federal timber growing sites we believe timber production should be the primary use of the land. But, every effort should be made to accommodate other forest users. We think that clearcutting and similar techniques should be used where good silviculture and sound economics dictate.

If the Forest Service were to adopt our recommendations, it would be necessary to reopen some of the land allocation decisions made in the first round of forest plans, and to increase forest road mileage. As Mr. Beckett will tell you, Forest Service offi-

cials are reluctant to reconsider the decisions they have just made. But they must do just that if current timber sale levels are to be maintained.

For the most part, the present approach to timber management on the national forests is to limit timber harvests to the smallest possible acreage and to manage those lands under the most intensive prescriptions. We think a more publicly palatable approach could be to spread timber management activities broadly across the forest and to allow more reliance on selection harvest prescriptions.

Thank you for the opportunity to present this statement.

PREPARED STATEMENT OF WILLIAM H. GREGORY, PRESIDENT, GREGORY FOREST PRODUCTS, INC., BEAVERTON, OR

My name is Bill Gregory, and I am president of Gregory Forest Products, Inc. I want to thank Chairmen Johnston and Leahy and the members of the Senate Energy and Natural Resources Committee and the Senate Agriculture, Nutrition, and Forestry Committee for providing me this opportunity to address issues relating to the National Forest Management Act of 1976 ("NFMA").

The primary flaw in meeting timber supply needs under NFMA is the process by which Forest Service land management disputes are addressed. Contrary to the intent of NFMA, land management decisions are not being made by trained land management professionals pursuant to a public process. Instead, all too often such decisions are being made behind closed doors and reviewed by nonexpert judges on the basis of conflicting "expert" testimony. The courts are poorly suited to handle complex silvicultural, biological and ecological concepts embodied in land management decisionmaking. Typically, as they labor to decide legal challenges to planning decisions, the courts issue preliminary injunctions or restraining orders that effectively halt land management activities. Only in rare cases do courts actually decide a case on its merits. It is little wonder, therefore, that the existing process is characterized by uncertainty and gridlock in the achievement of land management goals.

In addition to this primary flaw, we believe NFMA should be amended to require the Forest Service to manage lands for the economic stability of local communities and for at least a minimal level of timber production. In addition, Congress must insist that:

(1) All planning decisions, including the assumptions embodied in the plans, are subject to public review, and

(2) Adequate funding exists to implement final plans.

Other necessary steps to achieving an adequate timber supply over the long-term include greater restrictions on log exports from public lands and greater incentives for commercial forest production on nonindustrial private forest lands.

I. BACKGROUND ON GFP

Before describing my concerns in greater detail, let me provide some background on Gregory Forest Products, Inc. ("GFP"). GFP is one of three subsidiaries of Gregory Affiliates, Inc.: Its sister subsidiaries are Gregory Timber Resources and Northwest Timber Affiliates. Gregory Timber Resources and Northwest Timber Affiliates are organized for the purpose of bidding on and harvesting timber-sale contracts. GFP is organized to operate mills and sell lumber and is by far the most significant of the Gregory Affiliates subsidiaries. The operations of GFP are primarily in Glendale, Oregon where we operate a saw mill and plywood and veneer plants. GFP also operates a veneer plant in Klamath Falls, Oregon.

GFP's mills in Glendale produce on an annual basis 82 mmbf of lumber, 210 million square feet of plywood and 140 million square feet of veneer. In addition, its Klamath Falls veneer plant produces approximately 132 million square feet of veneer each year. To put this production in perspective, the monthly output of GFP's plywood mill, if the plywood boards were stacked on top of each other, would reach an altitude of 3½ miles.

GFP employs approximately 480 full-time workers with an annual payroll of approximately $16.7 million. It also employs outside contractors to log its timber sales, which involves an additional annual payroll of approximately $5 million.

GFP depends almost totally on timber from lands administered by the Forest Service and Bureau of Land Management to meet its annual timber supply needs of approximately 100 million board feet of timber. Like many timber companies in the Northwest, GFP owns very little fee timberland.

I would like to briefly discuss our Glendale operations, because Glendale is in many respects representative of numerous other communities throughout the Pacif-

ic Northwest that depend upon the forest products industry for their economic and social stability. Glendale has a population of approximately 700 and is located in rural southwestern Oregon. Nearly 400 people from the Glendale area are employed at our mill there. Our Glendale operation contributes an annual payroll of approximately $14.8 million to the community. In addition, GFP is assessed annual property taxes of approximately $200,000, which makes it the tenth-largest property taxpayer in Douglas County. Like so many communities in the Pacific Northwest, Glendale is obviously dependent upon a single industry—the forest products industry—for its economic and social stability.

Over the years, a three-way partnership has evolved between the community of Glendale, our company, and the Federal Government. This partnership serves to protect and promote the economic and social stability of Glendale as well as other timber-dependent communities. It is crucial not only to the citizens of Glendale but to the forest products industry and the Federal Government. In a way, the partnership I refer to is like a three-legged stool: If any of the legs fails to carry its weight, the whole stool collapses. It is the proper working of this partnership that I would like to focus upon, for it is in the context of this partnership that issues pertaining to the NFMA are most clearly understood.

The community of Glendale clearly has satisfied its obligation to the partnership. Glendale's business and educational leaders have shown unwavering support and remarkable commitment to providing for the educational and other needs of our work force. This commitment is reflected in the steady and talented work force employed at our Glendale operations. Recognizing the dependence upon their success of GFP, the citizens of Glendale have worked together to provide an excellent business climate and talented work force for our operations there.

GFP has also taken its partnership responsibilities seriously, and has worked hard to assure the long-term economic stability of its Glendale operations and otherwise be a good corporate citizen. This commitment to the citizens of Glendale has manifested itself in a number of ways. For example, GFP has provided $500 scholarships to all graduating Glendale high school students who choose to continue their education. In addition, GFP has established a literacy class at its Glendale mill designed to help workers escape from the disadvantages of not knowing how to read and write well. The literacy class is the first of its kind offered locally by a business for its employees. Several of our employees have received GED diplomas and some are working toward attaining a college degree through a special program we developed with the Indiana University. In addition, GFP has donated computers to the local school district in an effort to prepare students for an increasingly high-tech world. GFP has also donated to the school district three local properties valued at approximately $100,000 on the county's tax roles. The property donation was intended as a means by which the school district might set up a long-term scholarship fund using the receipts generated by sale of the properties.

In addition to its commitment to the educational well-being of its workers and their families, GFP also has invested in the physical health of its workers through the provision of onsite, nominal cost, health care. When the only remaining physician left Glendale 2 years ago, the citizens of the community and our workers were faced with the prospect of a 25-mile drive, which in the winter requires travel through a treacherous mountain pass, to the nearest health care provider. To address this need, GFP purchased the local clinic, which is now staffed by a nurse practitioner employed by the company. The clinic's emphasis on preventive care, coupled with its accessibility, has resulted in both reduced absenteeism and high popularity amongst our workers. In fact, the clinic has proven so popular that we now allow it to be used by the community as a whole.

In addition to the health and educational improvement of its workers, GFP also has invested heavily in the modernization of its mills and diversification of its timber supply sources in order to enhance its ability to compete over the long term in the rapidly changing forest products industry. Since purchasing the mills in 1981, GFP has invested over $25 million in capital improvements and land acquisitions. In addition, at a time when many complain about the loss of American manufacturing jobs to foreign competition, GFP has aggressively marketed its products abroad and now controls over 41 percent of the Japanese plywood market. In short, GFP has attempted to become a long-term, stable contributor to Glendale's economic stability.

Finally, as part of the corporate responsibility we feel strongly about at GFP, we accepted footage reductions in certain timber sales whose harvesting would have resulted in unacceptable environmental consequences. A couple of years ago, the Company accepted footage reductions in the Corral Relog, Centennial Ridge and Finger Walker sales, all of which would have been profitable. More recently, we negotiated

with the Bureau of Land Management a modification to the McBugginis Creek timber sale because cutting would have ruined a scenic lakeside vista on the eastern slope of the new Galesville reservoir. At the time the sale was bid on, the reservoir did not yet exist; and we feel strongly that timber should not be harvested in an area within the scenic vista of a prime recreational area.

To summarize GFP's commitment to the economic stability of Glendale, we have provided educational options for people who otherwise would not have the economic resources to obtain them, we have provided onsite health care to a community that otherwise would have been abandoned by health care providers, we have improved our mills' efficiency and diversified our timber supply sources to ensure our ability to contribute to the community's economic stability over the long term, and we have been responsible stewards of the area's environment.

Unlike the community of Glendale and GFP, who are satisfying their partnership responsibilities that are so essential to the community stability of Glendale, we are increasingly concerned that the Federal Government, through the Forest Service, is not keeping its end of the bargain. If any leg of the three-legged stool I analogized to earlier is not bearing its share of the load, the stool cannot function.

II. Needed Changes to NFMA

Our concerns about the Federal Government's failure to keep its end of the bargain relate primarily to timber supply. We believe that the Forest Service can provide an adequate, reliable timber supply to those of us who depend upon it while simultaneously managing the national forests for nonresource values, including old-growth timber and northern spotted owl protection. However, significant flaws in NFMA prevent the agency from achieving this balance between competing forest uses.

A. THE NFMA DISPUTE RESOLUTION PROCESS IS BROKEN AND MUST BE FIXED

NFMA's existing mechanisms for resolving land management disputes effectively perpetuate and intensify such disputes rather than resolve them. As a result, administrative appeals and litigation create gridlock on the implementation of land management decisions and tremendous uncertainty for those who depend upon Federal timber sales. Increasingly, complex land management decisions are being made by nonexpert Federal judges. The expert Forest Service decisionmakers are intimidated by the threat of appeals and litigation and often are motivated in their decisionmaking by the desire to avoid appeals rather than the desire to manage lands in conformance with existing laws. Perhaps of greatest concern, the litigious environment in which land management decisions are increasingly made polarizes the public, thereby perpetuating conflict over land management practices and creating stalemates that only Congress can resolve. The following is a brief discussion of several flaws in the NFMA dispute resolution process that we believe must be addressed.

1. *Tighten Standing Requirements.*—Under existing statutes and regulations, any person can challenge a land management decision with which they disagree, regardless of whether the person responsibly participated in the public involvement process leading up to the decision. For example, a person that failed to provide comments on a draft forest plan or timber sale during the period for public comment provided by law can nonetheless challenge such decisions after the fact. As a result, there is no incentive for persons with an interest in a decision to responsibly participate in the public involvement process, since they can always appeal and litigate decisions with which they disagree. As a result, appeals and litigation have essentially become just another, ordinary stage in the public involvement process—a result clearly not contemplated by Congress. The quality of land management decisions probably suffers as a result, because the views of many interested persons are never presented to the Forest Service prior to an appeal being filed. In addition, the unfairness of appeals "out of left field" is demoralizing to agency personnel and unfair to those that depend upon agency decisions. To address these concerns, legal standing requirements must be tightened to allow administrative appeals and law suits only by those persons who participated in the public involvement and other administrative processes that lead up to the decision subject to the challenge.

2. *Restrict the Scope of Review for Land Management Decisions Implementing Federal Forest Plans to Allegations That Proposed Agency Actions Would Be Inconsistent With Such Plans or to Issues Not Already Resolved by Such Plans.*—The Forest Service is required, in the preparation of land management plans, to consider the requirements of all statutes relevant to management activities. Therefore, activities authorized by a plan are presumptively in compliance with those statutes.

Unfortunately, issues raised in challenges to project-level decisions (e.g., individual timber sales) are frequently identical to those raised in appeals litigation over forest plans. In other words, project-level appeals currently provide plaintiffs the opportunity to relitigate issues already decided in final plans. Challenges to project-level decisions on the basis that such decisions violate statutes considered in preparation of the plan should be disallowed because they undermine the strong public interest in achieving finality in land management disputes. Once a final plan is issued and survives any legal challenges, the standard of review for project-level appeals should be whether the decision complies with the plan (and presumptively, therefore, all statutes considered in development of the plan).

3. *Mandate Use of Mediation as a Means of Dispute Resolution in Instances Where It Is Likely To Be Effective.*—Mediation recently resulted in the resolution of litigation over the Forest Service's herbicide EIS. That litigation had extended nearly 10 years. The mediated agreement was heralded by the Federal judge before whom the litigation was pending as a promising means of resolving land management disputes. A significant body of legal scholarship also supports the use of mediation in resolving environmental and land-use disputes. Of course, the scholarship indicates that mediation only works when the parties to the mediation have an incentive to resolve their differences. Such incentives could be created by statute in the following ways: First, Congress could direct the Forest Service to require parties to an administrative appeal to engage in mediation whenever, in the professional judgment of the agency, mediation is appropriate. Second, the agency would select the mediator, subject to the approval of all parties. Third, to ensure good-faith mediation on the part of all parties, the mediator would be given authority to make a recommendation concerning the good faith of each party to the judge hearing the case if mediation proves unsuccessful. Finally, Congress could require that the mediator's recommendation be one factor considered by Federal judges in evaluating the requests by any party in subsequent proceeding for an injunction.

Now, in suggesting mediation as an alternative means of resolving land management disputes, I am not suggesting that it is a panacea for the massive problem of appeals and litigation. To the contrary, experts agree that mediation can work only when parties to a dispute desire its resolution. Our fear is that the national environmental elites may prefer conflict to resolving disputes. For example, one national environmental organization leader characterized alternative dispute resolution as "the growing demon * * * [that] discredits anything of true reform."

4. *Insulate Final Land and Resource Management Plans, Once Fully Litigated, From Further Judicial Review Except Rare in Circumstances.*—Once the necessary adjustments to the draft plans are made and the plans are issued in final form, those who depend upon plan outputs should have some assurance that the plans can be relied upon. It was not the intent of Congress in passing NFMA or the National Environmental Policy Act of 1969 ("NEPA") to create a schism in the smooth transition of resource management activities from one planned period to another. Instead, the resource management planning process is intended to be a dynamic process which allows for the *periodic* consideration and integration of new resource management information from one planning cycle to another without the interruption of management activities of any single resource.

One option for ensuring that final plans can be relied upon would be for the Congress to formally find that the plans are legally sufficient under NEPA, NFMA, the Endangered Species Act, and Migratory Bird Treaty Act and other relevant statutes. Such sufficiency language would provide greater certainty for those who depend upon outputs from National Forest System lands while retaining the opportunity for periodic revisitation of planning decisions.

B. THE FOREST SERVICE MUST SUBJECT ALL OF ITS PLANNING ASSUMPTIONS FOR PUBLIC REVIEW

Virtually all of the final forest plans are expected to result in substantial timber sale level reductions. These sale level reductions by themselves are reason for grave concern. And, if they were in fact warranted, I suppose we would have no choice but to accept them as the necessary price for the responsible management of our national forests. But, frankly, because the Forest Service has refused to subject its planning assumptions for public review, no agreement exists concerning whether those assumptions are technically sound. One example of such planning assumptions involve so-called minimum management requirements ("MMR's") which was the subject of an administrative appeal by the industry. Similar unscrutinized assumptions have been employed to determine land suitability, timber yield tables, and timberland inventorying. Of even greater concern is the new policy on old growth announced by the Forest Service last week. As you know, there is currently no perma-

nent statutory protection for old growth, which appears to be a major departure from Forest Service practice contemplated in the planning process. The policy's ramifications are still unknown but constitute a dark cloud on the horizon as we in the Pacific Northwest enter the final plan implementation stage. For that policy to be implemented without being subjected to public scrutiny and the reconsideration of all land allocations embodied in draft or final plans is simply unacceptable.

In short, key planning decisions are being made outside of the planning process. For the industry to swallow the bitter (if not fatal) pill of major timber supply reductions, the Forest Service must first show that its planning assumptions are valid. The consequences of a planning mistake are simply too high for the agency to refuse to invite the affected public comment.

C. CONGRESS MUST INSIST UPON ADEQUATE FUNDING TO IMPLEMENT FINAL PLANS

Meeting the timber sale levels called for in the draft and final plans typically requires intensive management of a smaller forest land base. In other words, in order to balance nonresource forest uses and the need to provide an adequate timber supply, the Forest Service has chosen in many instances to reduce the land base allocated to timber production and mitigate the resulting timber sale level reductions by proposing to manage the remaining land base devoted to timber production more intensively.

For example, on the Siskiyou National Forest, which presently has an annual potential yield of 168 mmbf, the final plan's preferred alternative is 160 mmbf per year, or 5 percent reduction from current levels. We were very supportive of the process that resulted in this outcome, and we believe the outcome shows that the land and resources management process can work. However, we have serious questions about whether we can count on the timber sale level called for in the plan because it assumes that Congress will provide adequate funding for the intensive management (fertilizer, thinning, etc.) necessary to achieve the timber sale levels called for by the plan.

While my company is willing to accept the tradeoff between a smaller land base and more intensive management when it is necessary to balance multiple forest uses, we cannot accept this result unless Congress provides adequate funding for intensive forest management. Otherwise, the planning process will be exposed as a cynical effort to manipulate the public into acceptance of lower timber sale levels. Both Congress and the administration must commit to full funding of the final forest plans.

D. THE NATIONAL FOREST MANAGEMENT ACT SHOULD BE AMENDED TO PUT TIMBER HARVESTING ON EQUAL FOOTING WITH OTHER USES OF THE NATIONAL FOREST

An additional flaw in the existing land management framework is the fact that timber harvesting has become the residual use of Federal forest lands. Unlike wilderness set-asides or administrative set-asides of productive timberland for numerous nonresource purposes including riparian protection, wildlife habitat, etc., the allocation of land for general forest production does not necessarily mean that timber sales will be offered from that land. To ensure that timber harvesting is a use on equal footing with other forest uses, Congress should require that forests be managed to provide a minimal level of timber harvesting—sort of a minimum management requirement for commercial timber production. Unlike the minimum management requirements governing nonresource forest uses, the forest plans currently do not mandate a certain, minimum timber sale level. As a result, timber harvesting must compete on unequal footing with legislative and administrative land allocations for numerous other purposes.

III. Non-NFMA Changes Necessary to Providing an Adequate and Reliable Timber Supply

In addition to the changes to NFMA proposed above, the following non-NFMA legislation should be adopted.

A. STRICT RESTRICTIONS ON THE EXPORT OF LOGS FROM PUBLIC LANDS SHOULD BE ADOPTED

At a time when mills are closing due to log shortages and pressure to manage public lands for nonresource values is increasing, common sense dictates that all logs harvested from public lands be processed domestically to stabilize timber dependent communities. Permanent legislation intended to ban direct and indirect log exports from Federal lands should be enacted by the Congress. In addition, legisla-

tion authorizing States to prohibit log exports from State lands should also be adopted. However, log export legislation is not a panacea. Its importance is secondary to resolving land allocation issues, which have a far greater effect on the overall timber supply crisis.

B. NONINDUSTRIAL PRIVATE FORESTRY SHOULD BE ENCOURAGED AS A SOURCE OF FUTURE SUPPLY

Fortunately, public lands are not the only source of timber for the forest products industry. Nor are large commercial forest tracts. In the South, for example, the forest products industry has relied for years upon small, private wood lots to supply much of its raw material needs. In the West, however, the potential of these lands is currently largely untapped. Enlightened Federal policies could unlock this unrealized source of timber supply and brighten prospects for future generations. Increasing timber production on nonindustrial private forest lands ("NIPF lands") however, like log export legislation, should not be viewed as a timber supply panacea. Particularly for this generation, there is relatively little supply available from this source. Instead, NIFP lands are just one small piece of the larger timber supply mosaic.

IV. Summary

Any long-term legislative solution to the timber supply crises must address several basic concerns. First, it must revamp the current process by which land management disputes are resolved. The current process has resulted in land management decisions being made by nonexpert judges, tremendous uncertainty, and gridlock in achieving land management goals. Legislation tightening standing requirements, requiring mediation of project-level decisions under certain circumstances, limiting the scope of review for project-level decisions, and insulating final plans from further judicial review once litigated, would substantially enhance the likelihood that land management disputes will be resolved and enhance the process's fairness, and finality. This in turn will result in greater certainty for those who depend upon outputs from public lands.

In addition, Congress should change other impediments to an adequate, reliable timber supply contained in NFMA. Congress should mandate a minimal timber harvest level for each forest, thereby making the responsible balancing of competing forest uses more likely. It should require the Forest Service to subject all its planning assumptions to public scrutiny, and it should insist upon adequate funding to ensure that final plan outputs are achieved.

Congress should also adopt non-NFMA legislation necessary to provide an adequate, long-term timber supply. It should prohibit the direct and indirect export of logs from Federal lands and authorize States to ban log exports from State lands. It should also take responsible action to head off future timber supply shortages by enacting incentives for the commercial forest management of nonindustrial private forest lands.

Americans demand a lot from our forest lands, and the conflict between competing interests is increasingly intense. To defuse the current conflict and ensure the raw material supply to satisfy the ever increasing demand for affordable housing and other forest products, Congress must act now to create land management and timber supply policies that work.

Prepared Statement of Robert W. Craig, President, the Keystone Center, Keystone, CO

I am the founder and president of the Keystone Center, which for over 14 years has mediated and facilitated multiparty public policy disputes on issues involving natural resources, environmental quality and health, and biotechnology. The Keystone Center has been involved with conflict management with the Forest Service as a mediator on Forest Service plans involving appeals negotiations, convener and facilitator of national policy dialogs on access to Federal lands and biological diversity, and as a trainer for Forest Service personnel on conflict management. (I have attached as an appendix a more detailed description of the Keystone Center's involvement with Forest Service conflicts.)

My statement focuses on the Forest Service planning process as it is currently structured and being implemented under the terms of the National Forest Management Act (NFMA); in particular on the conflict management components of the process.

The main theme I would like to emphasize is that the challenges of the process need to be acknowledged and the problems encountered identified and addressed if the procedures for dealing with planning conflicts are to be improved. The challenges, problems, and recommendations I would like to emphasize are:

Challenges and Problems

1. In making recommendations to improve the process, there is a need to acknowledge and take into account:
—The depth, longevity and complexity of many of the conflicts that arise in national forest planning; and
—The distrust of Forest Service intentions, skepticism about the validity of Forest Service data, and adversarial relationships that exist in some cases between Forest Service personnel and interest group representatives.
2. There is insufficient understanding, preparation, commitment, and skill evident in some forests for dealing with planning conflicts.
3. In using negotiation to try to settle national forest plans appeals, there has been some confusion and lack of consistency between national forests on when negotiations are appropriate. Which issues are to be considered negotiable: who to include at the negotiating table?
4. There is little or no opportunity in the process as it is currently structured for real dialog between the interest groups with a stake in the plan and the Forest Service about the development of the planning alternatives and the selection of the preferred alternative; this results in an adversarial stance by many interest groups who feel left out of the decisionmaking process.

Recommendations

1. Additional conflict management training for Forest Service personnel.
2. More specific (yet flexible) guidance about when and how to use negotiations in the planning process.
3. Some provision for more collaborative approaches to the development of plan alternatives and selection of the preferred alternative.
4. Continued utilization of facilitation and mediation, while understanding that these tools have limitations.

My general sense is that there have been unprecedented efforts undertaken within the Forest Service to fulfill the public participation requirements of NFMA (i.e., to use public participation "early and often throughout the development of plans" (NFMA Regulation 219.6(c)) and to respond to conflicts generated by the process. However, in spite of the good faith efforts by many dedicated Forest Service officials throughout the agency to take competing interests into account, the Keystone staff who have worked on Forest Service issues have noted problems in the way the planning process as it is currently being implemented addresses conflict.

I think it is important to acknowledge the depth, longevity, and complexity of some of the conflicts that have emerged in the forest planning process. In our experience, many of the appeals to national forest plans reflect fundamental value differences between individuals who are tenacious in their advocacy and deeply committed to their beliefs and their positions. In national forest plan negotiations we have observed several instances of profound and long standing distrust of Forest Service intentions, skepticism about the validity of Forest Service data, and adversarial relationships between Forest Service personnel and interest group representatives. Many national forest planning issues are complex and characterized by scientific uncertainty. All of these factors taken together represent a significant challenge for those within the Forest Service who are responsible for the national forest planning process and for the interest group stakeholders who care about forest management as they attempt to design more effective conflict management mechanisms.

We have seen a variety of conflict management techniques and styles used on different national forests. From our work, one of the problems evident has been that while many of the Forest Service personnel with whom we have worked have demonstrated innovative and sophisticated approaches in dealing with controversies generated by the planning process, others have not had sufficient understanding, preparation, commitment, or skill to be as effective in dealing with planning conflicts as they might. For example, in the context of forest plan appeal negotiations, we have seen disparity between forests in the ability of their negotiators, in the recognition of the amount of time and effort involved in negotiations, and in the level of commitment to the negotiated outcome.

I believe that it is a strength within the existing national forest planning process that it allow for negotiation as a method for resolving planning appeals, and the

Forest Service should be commended for trying negotiations. However, there appears to be some confusion and lack of consistency between national forests about when negotiations are appropriate, which issues are to be considered negotiable, and who to include at the negotiating table. While it is obvious that each forest confronts a unique set of circumstances, I would suggest that additional conflict management training for front line Forest Service personnel and more specific (yet flexible) guidance about when and how to use negotiations in the planning process.

Another problem evident on some of the national forests where we have worked is that there has apparently been relatively little or no opportunity for real dialog between the interest groups with a stake in the plan and the Forest Service in the development of the planning alternatives and the selection of the preferred alternative. There usually has been plenty of opportunity to comment on plans after they have been released in draft form, but the interest groups have not usually had a role in the creative, deliberative, give-and-take process of brainstorming new ideas and identifying and choosing between competing forest uses. Consequently, in our experience, interest groups have tended to view plans from a critical, adversarial perspective. This perception of being on the outside, of having little access to the decisionmaking process, has been at the root of some of the appeals with which the Keystone Center has been involved as a mediator.

These kinds of perceptions might be mitigated by some provision for active public involvement in the development of plan alternatives. A more collaborative approach, one that creates potential for a sense of ownership by interest groups in the plan which is eventually produced, might ultimately lead to fewer appeals and a better chance of the plans being implemented in a timely fashion.

Facilitation and mediation are among the means which the Forest Service can use to involve interest groups more intimately in the planning process and to resolve planning disputes. Facilitation entails the use of a skilled meeting and process manager to assist meeting participants in the design, efficiency, and productivity of their discussions. Facilitation is particularly useful when the topic under discussion is complex and contentious (e.g., for discussions between Forest Service personnel and interest group representatives about forest planning issues). Facilitation is appropriate in a variety of settings (e.g., in open, participatory public meeting formats as well as in problem solving meetings involving a few invited representatives of interest groups). Facilitators can either be affiliated with the meeting participants or be an outsider. When the facilitator is affiliated with one of the participants, he/she runs the risk of carrying a bias into the facilitation role. On the other hand, an "inside" facilitator may have the advantage over an outside facilitator of being more knowledgeable of the substance of the discussions. I am aware that the Forest Service has already undertaken to train some staff as facilitators. This, I believe is a trend which should be encouraged, particularly in less contentious situations, along with the continued use of outside facilitators.

Mediation entails the use of a neutral third party working with participants in a conflict to try to achieve an agreeable settlement. Because of the need to remain neutral, mediators are usually not affiliated with the disputants. Mediators are useful when conflicts are in advanced stages and when communication between the disputants is poor. Mediation may offer a fresh approach and perspective to a deadlocked negotiation. On the other hand, mediated negotiations can be expensive and time-consuming both for the Forest Service and the other participants. The Forest Service has used third party mediators in a number of attempts to resolve forest planning conflicts. The Keystone Center's experience as a mediator in some of those conflicts and our knowledge of other mediated efforts suggests that in some instances mediation can be an appropriate and effective way to resolve substantive differences, open channels of communication between disputants and move forest plans toward implementation. However, as I have already mentioned, there are constraints and challenges which should be taken into account in any recommendation to use mediation.

In summary, I would suggest that the Forest Service's Washington office show its support for the use of an increased training for key Forest Service personnel in conflict management concepts and techniques, guidance about the use of negotiation to resolve planning conflicts, and encouraging a more collaborative approach (involving potentially effected interest groups) for the development of the preferred alternative in Forest Service plans as possible means for increasing efficiency and predictability in the system, improving the implementability of plans and perhaps for reducing the amount of overt animosity toward the Forest Service and between competing interest groups. I would also suggest that, when used appropriately, facilitation and mediation can be constructive conflict management tools in the forest planning process.

APPENDIX

THE KEYSTONE CENTER'S HISTORY OF INVOLVEMENT WITH THE FOREST SERVICE

In 1985, I met with Max Peterson, then Chief of the Forest Service, to discuss a variety of conflict management approaches for addressing local, regional, and national level Forest Service controversies.

In 1986, the Keystone Center was asked by the Forest Service and the Bureau of Land Management to convene a national policy dialog on access to Federal lands. Access is among the issues which have generated controversy in the national forest planning process. The access to Federal lands dialog included participants from the Forest Service and the Bureau of Land Management, congressional committee staffs, States, counties, environmental organizations, commodity groups, professional associations, and academia. The year long dialog resulted in a comprehensive set of consensus recommendations that have been widely disseminated and are being implemented.

In 1988, the Forest Service asked the Keystone Center to convene a national policy dialog on biological diversity. Biological diversity is the issue which has figured perhaps most prominently in Forest Service planning controversies. The Keystone National Biological Diversity Policy Dialog is now underway. The participants are drawn from the major Federal land management agencies (Forest Service, Park Service, Fish and Wildlife Service, Department of Defense, and Bureau of Land Management) as well as from environmental organizations, commodity groups, congressional committee staffs, the Environmental Protection Agency, and the scientific community.

The Keystone Center has been directly involved in the national forest planning process as a mediator in several national forest planning disputes. In 1988, the Challis National Forest asked the Keystone Center to consult on the design and initiation of a negotiation to try to resolve appeals to the Challis National Forest Plan. The Challis negotiation now appears to be moving toward a final settlement agreement. In 1988 the Keystone Center was retained as a mediator by the Grand Mesa, Uncompahgre, Gunnison (GMUG) National Forest. At issue were an array of concerns which had been reflected in numerous appeals to the GMUG Forest plan. The Keystone Center mediated negotiation resulted in an agreement which has been incorporated into the GMUG Draft Forest Plan Amendment. The Flathead National Forest retained the Keystone Center in 1988–1989 as a mediator to address issues which had been raised in appeals to the Flathead National Forest Plan. When it became apparent that the concerned parties were not going to be able to agree on the design of the negotiation process, they decided to pursue other alternatives besides negotiation. The Keystone Center is currently engaged as a mediator in a development conflict on the Targhee National Forest.

The Keystone Center has also had exposure to the contentious environment which characterizes forest management through a series of trainings conducted by Keystone Center staff for region 4 of the Forest Service. The training entailed interactive seminars on conflict management for Forest Supervisors, key interest group participants, Forest Service public affairs officers, and Forest Service senior resource professionals.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, October 23, 1989.

The Honorable PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the National Association of Counties and the National School Boards Association, we would like to offer our comments to your hearing on the U.S. Forest Services' planning process.

County officers and local school board members are the elected officials responsible for the governance, operation, and management of the levels of government most directly responsible for providing basic human and physical services to its citizens. From collection of solid waste to the education of children, county governments and local public school districts are the levels of government closest to the people, and therefore, most sensitive to the health, safety, and welfare of its citizens.

The key to our concern about the Forest Service planning process is the strong role it has traditionally played in what is more commonly known as "community stability." In that regard, recent conflicts over preservation v. development issues, coupled with an erosion of the concept of multiple-use management, have resulted

in an increased concern among county and school board officials about the basic survival of their communities.

The planning process of the Forest Service is the primary vehicle for us to express our concerns about community stability. It is the established mechanism for us to be involved in the Federal decisionmaking process at the national forest level. Our frustration with that process is an increasing lack of certainty in the final product. In that regard, we believe that the planning process is the appropriate place to resolve disputes and make difficult multiple-use choices.

In some areas of the country, the seemingly endless appeals and protests have led to paralysis and uncertainty. When a plan becomes an object of this type of legal maneuvering, communities which depend on economic activity from Forest Service lands can suffer direct and indirect job losses; county road and school district budgets are held hostage; and a severe strain is put on both the economic and social fabric of these resource dependent communities. For these rural communities, we believe it is imperative that the laws and regulations governing both the substance and process of Forest Service plans provide for a degree of consensus and predictability which does not now exist.

Where the Forest Service plays an integral role in the economic viability of the community, that role should not be diminished. In fact, social and economic conditions cry out for a strong and cooperative role by the Forest Service in enhancing multiple-use activities on Federal lands. Because that is so, we would like to call on those with an interest in national forests to commit themselves to restore, rather than supplant, the integrity of the planning process.

Finally, we realize the enormous pressures that exist on our country's natural resources and on the Forest Service which has the responsibility to manage those resources. We trust you recognize the pressures exerted on county elected officials to meet the needs of its citizens. The great rub in your job and in ours, is how to reconcile national goals and objectives which may have adverse consequences to the economic and social fabric of local rural communities. It is an extremely difficult balancing act. The U.S. Forest Service for the most part has done an outstanding job under difficult circumstances.

We are currently participating in a year long assessment of the Forest Service's planning process and look forward to the results of that evaluation. We trust that Congress will take a hard look at the results of that effort in considering changes to the current system.

Sincerely,

JOHN THOMAS,
Executive Director, National Association of Counties.

THOMAS A. SHANNON,
Executive Director, National School Boards Association.

PREPARED STATEMENT OF BRUCE BECKETT, REGIONAL MANAGER, NORTHWEST FORESTRY ASSOCIATION, PORTLAND, OR, NOVEMBER 15, 1989

I. INTRODUCTION

Good morning. My name is Bruce Beckett. I am a regional manager for the Northwest Forestry Association (NFA), headquartered in Portland, Oregon. NFA is a regional trade association representing the interests of 75 forest land owners and forest products manufacturers in Oregon and Washington. My responsibility is to represent our Washington members through our regional office in Seattle. Prior to joining NFA in October, 1988, I spent 12 years working as a research silviculturist and manager of silviculture programs for major land owning companies in the Pacific Northwest. Members of the Northwest Forestry Association in both Oregon and Washington are dependent upon publicly owned timber produced by the Forest Service as a primary source of material for their mills. I appreciate the opportunity to testify before the subcommittee.

I would like to follow the testimony offered by my colleagues on the panel by describing how the forest planning process—and most specifically the FORPLAN model—have resulted in very specific land allocation decisions, with the Forest Service adopting more intensive forest management on those areas allocated to fiber production. I would like to then reflect on a problem that is developing as the Forest Service goes about trying to implement the plans. The agency is proving unable to move aggressively with plan implementation because neither the funds

for, nor the public understanding of, intensive management on a reduced land base appears to exist. This has resulted in substantial conflict among elements of the public and confusion within the agency.

II. The Forest Plans Completed to Date Have Used a Linear Programming Model to Create a Very Specific Land Allocation Decisionmaking Process

In passing the National Forest Management Act of 1976, Congress intended to leave local Forest Service managers with substantial discretion to resolve issues based upon site-specific conditions. Consequently, the statute did not prescribe the procedures or principles under which this discretion was to be exercised.

However, NFMA does require that national forest management be based upon an integrated resource planning process. The Forest Service—with the help of a "Committee of Scientists," the industry, the environmental community, and other interested parties—designed a complex analytical planning procedure. Unfortunately, this procedure is heavily dependent upon questionable data and information about the interaction among the different resources on the national forests. For example, my colleagues on the panel have already described some of the questionable inventory data that form the basis for estimating the production potential of several national forests.

Much of the actual planning analysis is done with large, complex linear programming models that predict the results of interactions among the different forest resources. These models (commonly called FORPLAN models) are usually difficult to understand by anyone not directly involved in building the particular model on an individual national forest. Furthermore, much of the data needed for the FORPLAN models are, in turn, generated by other resource specific models. As with any computer model, the quality of the information used for input and assumptions related to the interaction of activities on each other, drive the output. If a reviewer wants to understand the details of the analysis, he or she must spend a great deal of time with the planning team on each national forest.

Complex procedures are not a problem if they are properly explained. However, an analytical process like the forest planning analysis is based to a great degree on assumptions rather than facts. Generally, the public participation process has not provided an opportunity to critically review and comment on these assumptions.

Moreover, the NFMA regulations are sufficiently vague so as to allow a variety of interpretations by individual forest planning teams. To date, the Forest Service has chosen to interpret resource protection requirements embodied in these regulations very strictly in developing the individual forest models. To a large extent, the agency has overprotected the environment by applying overly stringent constraints such as detailed minimum management requirements and unnecessarily conservative land set-asides to protect noncommodity resources. Since the proper degree of environmental protection is difficult to determine, we have had an extremely difficult time convincing the agency that the planning teams have exceeded the requirements necessary to protect the environment and the other resources in the national forests.

The difficulties in meeting vague standards for the protection of other resources are made worse by the limits of scientific knowledge on a variety of environmental and wildlife issues. The study of ecology and wildlife biology is inexact. It has not advanced to the point where precise levels of protection can be conclusively determined. For example, even to this day, we are uncertain as to what kind of habitat, or how much of it, the northern spotted owl needs. Questions such as "how much siltation in a stream is acceptable?" or "how much vegetative diversity must be maintained to provide an ecological balance?" have qualitative responses which have not been easily integrated into the quantitative planning environment.

As a consequence of these types of uncertainties, Forest Service planners in applying conservative constraints, have essentially "zoned" the national forests. They have created several areas or zones where timber production is either prohibited entirely, or severely limited in its intensity. Each national forest has many such areas variously described as riparian zones, visual quality management areas, or wildlife preservation areas. The conflict over the size of spotted owl management areas (SOMA's) is only the most visible of a whole series of conflicts associated with reducing or precluding timber production in the face of scientific uncertainty and/or managerial uneasiness with the degree to which different resources can be managed under an interactive or "multiple-use" regime.

For example, the pileated woodpecker is guaranteed a 300 acre asylum every 6 miles on many region 6 forests, yet the thousands of people and communities that

depend upon those lands for their livelihoods, and the American consumers of wood products, have absolutely no guarantees of an available timber supply.

As a consequence, timber production has essentially become a "residual" resource on the national forests. In this generation of forest plans, the agency has gamely tried to offset the resulting reductions in timber potential by designing programs of more concentrated and intensive timber management on a much smaller acreage base.

In Washington State, draft forest plans reveal that only 17 percent of the Mt. Baker-Snoqualmie, 30 percent of the Gifford Pinchot, 12 percent of the Wenatchee, and 17 percent of the Okanogan National Forests is proposed for standard timber production. Further, as the Forest Service limits the land base devoted to intensive timber production, it constrains the field manager's ability to be creative and innovative on the ground.

These forest plans thus reflect a dominant, rather than multiple-use, philosophy in managing the national forests. It is fair to say that the agency's overreaction to concerns over other environmental values has resulted in a substantial degree of timidity in trying to harmonize the management of different resources in a multiple-use construct.

This approach has now become extremely problematic for three reasons. First, the agency still has no explicit mandate to produce timber from the national forests to meet U.S. or world needs. While agency managers will assert such authority as a consequence of hortatory statements in their governing statutes, nothing specific exists so far as timber production is concerned. Second, the agency is only now coming to grips with the fact that more intensive management in certain areas is either silviculturally inappropriate, politically infeasible, or both. Finally, the agency's scheme of intensively managing a smaller acreage of land for timber production assumes a substantial increase in funding for many national forests. This theory has not, and will not, prove out. Leaving aside the funding question, I would like to elaborate on the first two of these problems.

III. It Is Essential That Those Areas Available in the Forest Plans for Timber Production Be Utilized Effectively for This Purpose

At this subcommittee's November 9 hearing, you asked Forest Service Associate Chief, George Leonard, whether the agency has a mandate to produce fiber. He responded by reflecting expansively on the notion that the national forests are an important timber resource, referencing a variety of the older statutes governing the management of the National Forest System. While he more or less accurately reflected the nature of these statutes, his answer was disingenuous.

In fact, the agency has no such specific mandate. It has no direction for fiber production as explicit as the NFMA section 6 direction to maintain other environmental values. Clearly there is nothing as absolute as the preservation requirements embodied in such statutes as the Endangered Species Act. Moreover, the agency has no procedural guideposts as detailed as the environmental analysis requirements of the National Environmental Policy Act (NEPA) to analyze how much timber should be produced, or from where it should come.

In addition, in litigation involving our industry the agency has adamantly resisted the notion that it is required to sell any level of timber other than that which it deems, at its discretion, to be appropriate. In fact, about the only time that the courts have recently agreed with the agency is with respect to whether it has any specific responsibilities in this area.

As a consequence, we believe that the greatest challenges facing the Forest Service during the next decade are to:

(1) Actually achieve the planned outputs indicated in the NFMA plans; and
(2) Manage those lands devoted to timber production for this purpose.

Achievement of plan objectives will be confounded by the fact that the lands devoted to timber production are still viewed as potential opportunities for increased wilderness or other noncommodity resource values. Frankly, we do not believe that the agency has the tools available, or is currently up to the task of meeting either challenge.

The Forest Service must be provided some assistance from Congress if the forest plans are to really be implemented. Associate Chief Leonard was clear on this point when he testified on November 9. He noted that most of the agency's problems will occur in plan implementation.

Many of these problems will occur because the Forest Service has no specific mandate, no statutory direction, and no expression of support from Congress to manage

any of its lands to meet U.S. and world fiber needs. In our view, it is essential the outputs of the final forest plans be realized if these needs are to be addressed.

When our industry panel testifies before you on November 29, we will expand on the implications of ignoring this problem. As you listen to that panel, I hope you will remember what I have advised you today. That is, the Forest Service probably cannot effectively address the problems I have described or meet the needs my colleagues will discuss without some congressional guidance to direct forest plan implementation.

IV. Unfortunately, the Forest Service Is Already Abandoning the Limited Commitment to Fiber Production Found in the Forest Plans

Since the agency is only now embarking upon actual implementation of the forest plans, the problem that I have just described could be viewed as mere speculation. However, the Forest Service's current decisionmaking process is replete with examples where the agency is "walking away" from its forest plans in the face of continued public conflict over commodity production on the national forests.

The recently released old-growth statement is a good example of this larger problem. Put simply, the policy statement is a major change in management philosophy from that embodied in the draft and final national forest plans.

The old-growth policy statement argues for less intensive management of those lands devoted to timber production in the national forest plans in order to accommodate other, generally unspecified, environmental values. However, this policy is being initiated well beyond midstream in the planning process. Allocation decisions have already been made to set land aside to accommodate these same values. As I indicated earlier, we believe that these allocations were extremely conservative based upon the limits of available scientific information.

Moreover, the Forest Service does not have the foggiest idea whether the draft or final outputs in the forest plans can still be met if the policy espoused by the old-growth statement is implemented. We believe that this problem will have national impacts because the "old growth" issue is being raised nationally in a variety of contexts in appeals of forest planning and implementation decisions. I would like to submit for the record an analysis of "old growth" appeals presented to this subcommittee by James English of Idaho Forest Industries, Inc. at your June 1989 hearings.

Through application of this policy, the Forest Service is now trying to superimpose a less intensive, more resource interactive management regime on top of the dominant use philosophy embodied in the forest plans. In our view, such an approach cannot help but have significant resource implications.

In addition, the old-growth statement was developed through flawed procedures that excluded public participation. The scientific and biologic need for the policy has not been examined by the public.

The policy appears to be driven by incorrect public perception that some values are being lost due to forest management activities. But not addressed is the fact that clearcuts are not the only method employed to manage our forests, and where clearcutting is employed, monocultures are not created, woody debris is retained which harbors the fungal organisms supposedly at risk, riparian and other wetland areas are protected, and soil productivity is not diminished.

Further, the old-growth policy does not address the fact that over 4.3 million acres of old-growth ecosystems are already preserved in Oregon and Washington, which, in combination with the actual silvicultural prescriptive measures used on all forest lands, will ensure that the ecosystem complexity and biological legacy important to all of us will be retained for future generations *on the landscape as a whole.*

The NFMA plan amendment procedures included in the Forest Service regulations were entirely ignored. Even though the Forest Service acknowledged that there would be an "impact" on forest plan development and implementation. However, the agency chose not to disclose what this impact might be. We can only conclude that the Forest Service does not know what the impact will be.

Additionally, the agency provided neither alternatives to the policy nor an environmental impact analysis, even though agency officials glibly noted that 3,000 acre clearcuts may be indicated to achieve implementation. I hope that, when the Forest Service next testifies before you, you will look squarely at the agency's representatives and ask whether they can carry out 3,000 acre clearcuts without conducting a proper environmental analysis under the provisions of the National Environmental Policy Act.

In a site-specific sense, there was no disclosure as to how the policy would be used in the preparation or administration of current timber sales even though the policy states that field activities should be "consistent with its intent," whatever that

intent may be. Finally, it is important to note that no public participation of any kind was used to develop the policy. The Forest Service made its own internal assessment of public desires and political winds, and acted unilaterally on what it thought it could sell.

V. Conclusion

I would submit that the Forest Service is talking to itself, apparently in a very confused and confusing voice. Having first attempted through the forest plans to zone the forests, the agency is now attempting to superimpose additional palliatives to minimize public conflict over the results of the original decisions.

Let me make it clear that we do not, in all instances, support the outcome of the final forest plans. It is nonetheless imperative that we move forward from here and assure that these plans are implemented. The agency desperately needs both a mandate to manage the national forests to, among other things, achieve commodity production, and substantial congressional assistance to implement the forest plans.

I appreciate the opportunity to testify and will be happy to respond to your questions.

[Prepared statement of James M. English, executive vice president, Idaho Forest Industries, Inc.—an analysis of "old growth" appeals, referred to by Bruce Beckett, follows:]

Prepared Statement of James M. English, Executive Vice President, Idaho Forest Industries, Inc., June 20, 1989

I. Introduction

Mr. Chairman, I am James English, executive vice president for Idaho Forest Industries, Inc. Thank you for the opportunity to testify today. My company has sawmills in Coeur D'Alene and St. Anthony, Idaho and Medford, Oregon. Our mills are dependent upon Federal lands for a large portion of our raw material supplies. Restrictions in timber supply due to arguments over land allocations have reached severe proportions in the Northern Rockies and the Pacific Northwest, threatening the future of our mills and many others. As I will describe, however, this issue is not confined to these regions.

Clearly, no consensus has yet been reached for a uniform definition of "old growth." In fact, old growth has been defined in different ways according to the objective at hand: it has been defined narrowly when the objective is to show how little old growth is left, and again—sometimes by the same individuals—more broadly in order to determine the largest boundaries possible to "protect" what old growth is remaining.

This confusion and manipulation of the definition clearly demonstrates the fact that old growth is being used by some as a surrogate in the broader land allocation debate. In fact, the claim that remaining tracts of old timber—measured by the most convenient definition of the moment—*require* protection has surfaced repeatedly in numerous appeals of agency planning and policy decisions across the country.

II. Perhaps the Most Telling Evidence That the Old Growth Issue is a Surrogate in the Broader Land Allocation Debate is the Large Number and Variety of Contexts in Which It Has Arisen

The alleged "need" to protect old growth has been argued repeatedly in forest planning debates, in proposals to harvest specific tracts of timber, in arguments over whether to build roads (whether for recreation, resource protection, wildlife habitat improvement, timber, or other management purposes), in the planning of salvage and land rehabilitation activities following severe wildfires, and in debates over the designation of lands for additions to the National Wilderness System or for new national parks.

The Forest Service estimates that the issue of old growth management has been raised in at least one appeal of every national forest plan in the country. In these appeals, the issue has often been stated in the more specific context of even-aged and uneven-aged timber management, selection of clearcutting as a management and harvest system, biologic diversity, and wildlife management issues such as the spotted owl or the timber wolf.

The issue has also arisen in appeals of local project decisions. In the Intermountain region (including Nevada, Utah, Wyoming, and Southern Idaho), approximately

75 percent of the timber sale appeals filed last year dealt with the old-growth issue. Virtually all of the plan and project appeals filed on the seven national forests in Idaho include old growth as an issue.

In region 5 (California), at least 20 appeals of project decisions have addressed the issue of old growth. These have included appeals of fire salvage sales, where salvage and reforestation efforts are needed to rehabilitate the burned land. Yet the Forest Service's decision to salvage has been challenged in an effort to leave the dead old growth timber on vast acreages of land.

In the Pacific Northwest region (Oregon and Washington), of the 48 timber resource appeals currently pending at the regional office, fully 88 percent address the old-growth and spotted owl habitat issues.

Finally, in Forest Service region 9 (the Lake States and the Northeast) where over 110 national forest plan appeals have been filed, appellants have raised the old growth as an issue in at least 40 percent of the appeals received by the Forest Service. In many cases old growth has been raised indirectly in both plan and project appeals in the context of protecting specific types of wildlife habitat or maintaining biotic diversity. However, in region 9 the average age of the forests under attack is only 70 years. These national forests were acquired by the Federal Government in the 1930's under the Weeks Act. They were heavily cutover lands. This can hardly be termed an "ancient forest," of primeval uncut forests. The issue is rather clearly framed to "protect" the older stands of trees, whatever their age.

II. There is a Great Deal of Confusion Over the Definition of Old Growth

A previous witness noted that there is confusion over the definition of old growth. I must agree that, although there has been a great deal of recent public attention focused on what old growth is, there has been little resolution to the debate. In fact, "old growth," like "biological diversity," is a term which defies specific, scientific definition.

Many forests—or stands of trees within a forest—may exhibit old growth characteristics. But in trying to reach a specific definition, how large must the stand be? How old are the trees? How much of the forest should be living, and how much dead and decaying? Is it best defined by a minimum number of trees over a certain size, or a certain size and number of snags and rotting logs on every acre? All of these characteristics are quite variable, depending on the species of trees, the richness of the soil, and even the perception of the visitor.

Most people would consider a very old stand of Giant Sequoias—thousands of years old—in Yosemite National Park to be "old growth." But it is not by the Wilderness Society's definition, which does not allow old growth forests to be adjacent to a road. By contrast, some say that old growth forests must be over 200 years old, yet the lodgepole pine of Yellowstone was old and dying at the ripe age of 120 years.

III. The Inherent Difficulty in Reaching a Specific Definition for Old Growth Has Made the Issue a Convenient and Fashionable One With Which to Rally Public Support for Attacks on Forest Service Management

A. THE OLD LODGEPOLE STANDS OF THE ROCKY MOUNTAINS CANNOT BE PRESERVED FOREVER

The call to protect old growth timber has become part of the rallying cry to protect large portions of the timber stands in the Rocky Mountain region. The lodgepole forests of the Rocky Mountains are generally old. Preservationists have called for public support to "save" these forests by setting aside large areas of the national forests as wilderness or other special designations which do not allow active forest management. They argue that Forest Service management of these stands will result in the loss of many acres of timber if not otherwise "protected."

However, we cannot simply preserve blocks of old lodgepole pine forest, as we witnessed last summer, when the forests of Yellowstone National Park unfortunately served as an excellent example of the result of such preservation efforts. The natural aging process of the forest had already taken effect—in their old age the trees were susceptible to insects and disease, and many trees had already begun to die. Ironically, these "protected" forests became extremely susceptible to fire. This story is by now well known, as over a million acres of old growth forests burned in and around the park in a single season.

Far fewer acres burned on the national forest land surrounding Yellowstone. On those lands managed for multiple use, the Forest Service had a much greater ability to successfully fight fires than existed on wilderness and adjacent national park lands. Outside the designated wilderness, roads were in place and could be used;

wildfire fuel levels had been reduced; and, where the Forest Service had already salvaged the dead and dying timber, the forests were healthier and more resistant to fire.

B. THE OLD GROWTH ISSUE HAS BEEN USED AS THE JUSTIFICATION FOR PROTECTING SECOND GROWTH HARDWOOD STANDS IN THE LAKE STATES AND APPALACHIAN FORESTS

The old growth argument has also been used in an effort to allocate preserves of second growth stands of hardwoods in the Lake States and the Appalachian National Forests. In the February 1989 report by the Wilderness Society, "Mountain Treasures at Risk," the Wilderness Society argues that old growth hardwood stands of the Southern Appalachian region must be protected. Yet these forests are barely 80 years old.

In Wisconsin, appellants of the national forest plans have argued to be set-aside areas from other uses for the protection of biological diversity. The appellants want allocations for large areas of "contiguous mature forests," although the forests of the Lake States generally average only 70 years of age, and many of the stands under debate are stands of aspen trees only 40 years old.

On the Chequamegon National Forest, for example, much of the area was cutover, burned, and, in some cases, even heavily farmed prior to 1933. In that year the national forest was established, and the Forest Service directed its attention to reforestation and protecting the young forest from fires. Over the next decades, the forest once again became important as a source for timber products, as it continues to be today.

Although the young forests of the Lake States hardly considered "old," opponents of multiple use management challenge timber management practices designed to further improve the health and productivity of the forest, claiming that the Forest Service has not set aside enough of the "old growth." This is notwithstanding the historical fact that there was no "old growth" before the Forest Service assumed management of the land. In fact, with the current pressure to preserve the formerly cutover and farmed lands, the only areas truly safe from attack may be the former strip mines that the agency inherited when these lands were acquired.

C. THE "OLD GROWTH" ISSUE IS BEING RAISED IN APPEALS THROUGHOUT THE COUNTRY IN FORESTS THAT HAVE BEEN HARVESTED AT LEAST ONCE, CARRYING THE SIMPLE MESSAGE, "DON'T CUT TREES"

Clearly, the very argument that old growth timber must be protected has been used in many contexts, and to describe forests of such varying ages, that even the proponents of this issue cannot agree on a definition. The old growth issue has been expanded to address the more basic issue of land allocation—and it is used simply to rally support for broader efforts to stop the harvesting of timber on large portions of our national forests.

Large tracts of Federal lands—over 131 million acres—have already been preserved in national parks, congressionally designated wilderness, and other administrative set-asides in all regions of the country. Therefore, it appears to me that the real question is not how we should define "old growth," but how much land should be set aside from multiple use management.

Thank you for the opportunity to testify today. I would be happy to answer any questions you may have.

FOREST REFORM NETWORK,
Dallas, TX, November 17, 1989.

Mr. TOM TUCHMANN,
Office of Senator Patrick J. Leahy, Senate Office Building, Washington, DC.

DEAR MR. TUCHMANN: Thank you for the opportunity to augment the record of the joint committee hearing of October 25, 1989. Attached is our statement, "How Has NFMA Failed?"

The Forest Reform Network, of which I am coordinator (nonpaid), lists 500 networkers (individuals and groups) from coast to coast.

Sincerely,

EDWARD C. FRITZ,
Coordinator.

Enclosure.

PREPARED STATEMENT OF FOREST REFORM NETWORK, DALLAS, TX, SEPTEMBER 21, 1989

HOW HAS NFMA FAILED?

After 13 years under the National Forest Management Act, why are there so many administrative appeals and lawsuits involving the Forest Service? What are the remedies?

SUMMARY OF POINTS

1. NFMA does not resolve the fundamental policy differences between commodity production and other public use. The bureaucracy and its support bases avoided a showdown in 1976 by two stratagems:

a. Writing into NFMA the delegation of fundamental decisions to the Forest Service.

b. Making the language in NFMA too vague and permissive to require the Forest Service to follow congressional intent as to:

(1) Suitability of timberland.

(2) Propriety of even-age management.

(3) Protection of "diversity."

2. The Forest Service is biased toward commodity production and even-age management for several reasons:

a. By selling timber the Forest Service can increase its budget far more than by providing recreation, wildlife, watershed protection, and conservation of native diversity.

b. By prescribing even-age management with artificial regeneration the Forest Service pads its budget far more than it could by engaging in selection management, even though selection is environmentally and economically preferable and even-age sales price are often below the costs to taxpayers.

c. From forestry school onward, the heavy equipment faction of the timber industry influences the management philosophy of Forest Service leadership toward commodity production and even-age management.

3. While giving lip service to the public participation requirement of NFMA, the Forest Service is placing its own bias above public opinion, particularly that of noncommodity users who vastly outnumber timber producers and processors.

4. Discrepancies in NFMA between apparent congressional policy and delegation of decisionmaking, coupled with Forest Service bias toward commodity production and budget augmentation, stimulate a tendency toward filing lawsuits to challenge the Forest Service interpretation. Because of the principle of judicial deference to administrative interpretation, the will of the Forest Service is likely to thwart public opinion and broad congressional intent.

5. The Forest Service is deferring judicial review indefinitely by posing land resource management plans, and environmental impact statements thereunder, as not final decisions subject to review. After 13 years, not even the trial courts have yet confronted substantive NFMA issues.

6. The congressional appropriations process is not an adequate avenue for reforming the Forest Service or adjusting basic problems in NFMA, and is not proper in certain instances, like restriction of judicial review.

7. Several well-drafted amendments will make NFMA more workable.

a. Improve the definition of "suitability," particularly with reference to old-growth timber.

b. Tighten the directive for protection of native diversity.

c. Place a finite limit on the extent of even-age management that can take place in any national forest.

d. Strengthen the provisions for judicial review, including review of land and resource management plans prepared under NFMA.

e. Repeal Knutson-Vandenberg section.

[The Knutson-Vandenberg section follows:]

". . . of timber; and

"(F) insure that clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate and even-aged stand of timber will be used as a cutting method on National Forest System lands only where—

"(i) for clearcutting, it is determined to be the optimum method, and for other such cuts it is determined to be appropriate, to meet the objectives and requirements of the relevant land management plan;

"(ii) the interdisciplinary review as determined by the Secretary has been completed and the potential environmental, biological, esthetic, engineering, and eco-

nomic impacts on each advertised sale area have been assessed, as well as the consistency of the sale with the multiple use of the general area;

"(iii) cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain;

"(iv) there are established according to geographic areas, forest types, or other suitable classifications the maximum size limits for areas to be cut in one harvest operation, including provision to exceed the established limits after appropriate public notice and review by the responsible Forest Service officer one level above the Forest Service officer who normally would approve the harvest proposal: *Provided,* That such limits shall not apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm; and

"(v) such cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource.

"(h) (1) In carrying out the purposes of subsection (g) of this section, the Secretary of Agriculture shall appoint a committee of scientists who are not officers or employees of the Forest Service. The committee shall provide scientific and technical advice and counsel on proposed guidelines and procedures to assure that an effective interdisciplinary approach is proposed and adopted. The committee shall terminate upon promulgation of the regulations. The views of the committees shall be included in the public information supplied when the regulations are proposed for adoption.

"(2) Clerical and technical assistance, as may be necessary to discharge the duties of the committee, shall be provided from the personnel of the Department of Agriculture.

"(3) While attending meetings of the committee, the members shall be entitled to receive compensation at a rate of $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(i) Resource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans. Those resource plans and permits, contracts, and other such instruments currently in existence shall be revised as soon as practicable to be made consistent with such plans. When land management plans are revised, resource plans and permits, contracts, and other instruments, when necessary, shall be revised as soon as practicable. Any revision in present or future permits, contracts, and other instruments made pursuant to this section shall be subject to valid existing rights.

"(j) Land management plans and revisions shall become effective thirty days after completion of public participation and publication of notification by the Secretary as required under section 6(d) of this Act.

"(k) In developing land management plans pursuant to this Act, the Secretary shall identify lands within the management area which are not suited for timber production, considering physical, economic, and other pertinent factors to the extent feasible, as determined by the Secretary, and shall assure that, except for salvage sales or sales necessitated to protect other multiple-use values, no timber harvesting shall occur on such lands for a period of 10 years. Lands once identified as unsuitable for timber production shall continue to be treated for reforestation purposes, particularly with regard to the protection of other multiple-use values. The Secretary shall review his decision to classify these lands as not suited for timber production at least every 10 years and shall return these lands to timber production whenever he determines that conditions have changed so that they have become suitable for timber production.

"(l) The Secretary shall—

"(1) formulate and implement, as soon as practicable, a process for estimating long-terms costs and benefits to support the program evaluation requirements of this Act. This process shall include requirements to provide information on a representative sample basis of estimated expenditures associated with the reforestation, timber stand . . ."

[A brochure "Ancient Forests," produced for the Ancient Forest Alliance by the National Audubon Society is retained in the committee file.]